



**PLANNING APPLICATIONS WEEKLY LIST NO.1705**  
**Week Ending 29th March 2024**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 18 April 2024.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **3rd April 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

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Application No :	23/01015/FUL      Zoning : No allocation
Case Officer	Ms Elise Davis
Parish :	Hullbridge Parish Council
Ward :	Hullbridge
Location :	Land Adjacent 97 Crouch Avenue Hullbridge
Proposal :	Proposed pair of 4-bed semi-detached houses with access off Crouch Avenue

## **SITE AND PROPOSAL**

1. The application site is located within the eastern residential settlement of Hullbridge, to the northern end of Crouch Avenue where the road bends eastward to Broom Road. The application site relates to a parcel of unoccupied, undeveloped land some 0.047 hectares, which prior to application submission consisted of overgrown vegetation north adjacent No. 97 Crouch Avenue and south of No. 45 and No. 47 Thorpedene Avenue. The parcel of land measures approximately 17m across the frontage parallel with Crouch Avenue and some 34.5m in length adjacent the southern boundary shared with No.97 Crouch Avenue. A public footpath runs adjacent the northern site boundary which connects Crouch Avenue and Broom Road with the western road Thorpedene Avenue.
2. The existing street scene comprises dwellings of various scale, form and design and there is little uniformity to the area. It is noted however, that there are several pairs of semi-detached dwellings (chalet-style and two storey) in this location. The dwellings to the north side of Broom Road and Thorpdene Avenue generally form an established building line, with the dwellings to the west of Crouch Avenue, south of the application, adopt a staggered building line set back from the road and having deep frontages.
3. The proposal seeks permission for the erection of a pair of semi - detached two-storey four bedroomed dwellinghouses, accessed from Crouch Avenue.
4. The proposed pair of dwellings would measure some 11.5m in width across the front together and would measure some 11.2m in depth at the deepest point. The dwellings would have a maximum height of 8.5m to the ridge of the roof and an eaves height of 5.75m as measured at the highest point of the dwellings, as there is a shallow slope declining to the north. The dwellings would have a pitched roofed form with gable features such as a dormer within the rear roof slope and the proposed southern dwelling would have a front projecting gable end. Materials proposed would be of a contemporary style comprising

white render walls, grey roof tiles, anthracite grey cladding, stone cladding and windows and doors in a dark finish.

5. The proposal includes garden amenity areas to serve each dwellinghouse and two off-street proposed parking spaces within the front curtilage, perpendicular to the highway. Landscaping is also proposed adjacent the north boundary of the site. The application follows pre – application advice.

## **RELEVANT PLANNING HISTORY**

6. Application No. 90/00609/OUT - Outline Application to Erect Two Semi-Detached Houses and Garages ADJ 97 CROUCH AVENUE HULLBRIDGE - application withdrawn.
7. PA/23/00016/PREAPP - Pre-application advice is sought for the construction of a semi-detached dwelling with associated vehicular access, amenity space and landscaping.

## **MATERIAL PLANNING CONSIDERATIONS**

8. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
9. The relevant parts of the adopted Development Plan are the Rochford District Council Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### **Principal of Development**

10. Section 5 of the National Planning Policy Framework – Delivering a sufficient supply of homes encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting (including residential gardens). Additionally, the Framework sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development and paragraph 131 of the Framework asserts that good design is a key aspect of sustainable development.
11. The application site is located within the residential envelope of Hullbridge on an area of land of no allocation, and therefore where the efficient use of land for housing provision is acceptable in principle, subject to policy compliance and other material considerations.

12. Policy H1 of the Council's Core Strategy confirms that the Council will prioritise the reuse of previously developed land. Additionally, in order to protect the character of existing settlements, the Council will resist the intensification of smaller sites within residential areas but that limited infilling will be considered acceptable and will continue to contribute towards the housing supply. However, this is subject to the requirement that it relates well to the existing street pattern, density and character of the locality.
13. The Framework at paragraphs 135 and 139 also advises that planning decisions for proposed housing development should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions; this is also emphasised by Core Strategy Policy CP1.
14. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality. Amongst other criteria, Policy DM3 of the Development Management Plan seeks demonstration that residential intensification and back land development positively addresses the existing street pattern and density of the locality, and whether the number and types of dwellings proposed are appropriate having regard to existing character.
15. In terms of housing need, the Council has an up to date five-year housing land supply; however, additional windfall sites such as this would add to housing provision within the district.
16. National and local policies encourage the effective use of land. Whilst the principle of developing the site for a residential purpose is not objected to at this site, the main issues for consideration relate to the acceptability of the development as infill development, including issues of design, scale and impact on character, as well as impacts on residential amenity; these and other considerations are explored below.

### **Impact on Character**

17. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have

regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).

18. The pattern and grain of urban development should be sympathetic to existing in order to secure the appropriate characteristics and density of the surrounding area. The Council's Supplementary Planning Document 2 – Housing Design (section 5) requires a distance of 9.25m for detached dwellings or 15.25m for semi-detached pairs of development on small vacant frontage plots to be compatible with the existing form and character of the area within which they are to be sited. SPD2 also outlines that new dwellings should maintain 1m of separation between habitable rooms and boundaries to avoid coalescence. This needs to be considered together with the policies relating to appropriate density and number of dwellings discussed by Policies DM1 and DM3 of the Council's Development Management Plan (DMP).
19. The plans show that the proposed pair of semi-detached dwellings would have a plot width frontage adjacent Crouch Avenue measuring approximately 17m, of which, the dwellings would have a combined width of some 11.5m, allowing for sufficient side isolation space from the flank walls to the side plot boundaries, the minimum separation distance of which would measure not less than 1m.
20. The proposed dwellings would have a pitched roofed form running laterally from north to south, with their principal elevation and entryways facing eastward in a similar fashion to the existing dwellings to the west side of Crouch Avenue. The proposed dwellings would also be sited back from the roadside of Crouch Avenue, adopting a staggered placement from the road frontage reflective of the siting of the dwellings Nos. 97 and 95, and 93 and 91 Crouch Avenue. In this regard, the siting, orientation and density of the proposed dwellings is in keeping with the locality.
21. It is noted that the proposed dwellings are of greater width and height than the adjoining occupiers No. 97 Crouch Avenue, however, the height increase by some 0.53m and greater width of some 1.7m is not considered significantly harmful to the character and appearance of the area, given the adequate isolation space maintained to the site plot boundaries and that the street scene does not display uniform characteristics shared amongst the dwellings. The northern adjoining occupiers No. 45 and 47 Thorpedene Avenue, although of different orientation, are of a combined width approximately 14m and similar height to that proposed - 8.6m (as measured from the submitted 'proposed front/site section' drawing Plan No. 4059-11-5). It is considered that the scale and footprint of the proposed dwellings are therefore appropriate within the locality.
22. The Essex Design Guide suggests that traditional Essex roof forms should be of a pitch angle of 50-degrees or more. The proposed

dwellings do not have a roof pitch angle in accordance with this, however, it is noted the proposed dwellings would appear similar to the existing dwellings within the street which have less steep roof pitches. The two storey front projection and rear roof dormers would have pitched roofs of favourable form and are considered to provide visual interest to the dwellings.

23. The fenestration to the rear elevation appears to be well balanced, which given the visibility of the proposed dwellings in view from Thorpedene Avenue is positive, however, the dwellings would also be visible from the public footpath which runs north adjacent the application site, and this elevation appears to display little architectural interest other than the placement of the windows to the north flank wall. Notwithstanding this, soft landscaping (trees) are proposed to this boundary (albeit would only have a partial overlap obscuring some view of the elevation) and existing 1.8m high fencing demarcates the site boundary therefore obscuring views of the ground floor of the proposed building. The impact of this bland elevation is considered to be limited.

### **Impact on Residential Amenity**

24. Policy DM1 seeks to ensure that new developments avoid overlooking, ensure privacy and promote visual amenity, and create a positive relationship with existing and nearby buildings. In more general terms, amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis.
25. The siting and orientation of the dwellings within the site demonstrate that approximately 18m of depth from the ground floor rear wall to the rear site boundary would be maintained. The rears would largely have direct views to the turning area of Thorpedene Avenue with some overlap to the front curtilage of No. 50 Thorpedene Avenue which already endured overlooking to the public realm, such that overlooking from the rear is not a significant concern.
26. The occupier of No. 45 Thorpedene Avenue has raised concern with regard to overlooking and overshadowing. With regards to overlooking, the windows to the north flank wall of the dwelling would not serve primary habitable rooms on the first and second floor, and would overlook the front curtilage of the property, which similarly to No. 50 Thorpedene Avenue to the rear, endures an existing level of overlooking from the public realm due to the public footpath which intervenes the adjoining sites. Notwithstanding this, and application permitting, as there is less separation distance between these houses it would be considered necessary to condition the side windows to be obscure glazed in the interest of privacy between adjoining occupiers.
27. With regards to overbearing and overshadowing, the proposed pair of dwellings would not breach the Council's 45-degree rule as set out



within section 6.2 (d) of SPD2 guidance. This impact is demonstrated on the proposed site plan in relation to the south adjoining occupier No. 97 Crouch Avenue, which considering its siting to the south and therefore positioned to receive better daylight, is considered to have an acceptable relationship with the proposed new dwellings.

28. In relation to the northern adjoining occupiers No. 45 and 47 Thorpedene Avenue, the proposed pair of dwellings are sited approximately opposite No. 45 with partial overlap to No. 47. No. 47 Thorpedene Avenue is therefore considered to receive acceptable levels of sunlight where the majority of its frontage is not obstructed by the proposed dwellings to the south. No. 45 however, has raised concern the proposal may lead to overshadowing and consideration is also given to this and the potential overbearing nature of the development.
29. For clarification on this matter, the applicant has submitted a 'proposed front/site section' plan (Drawing No. 4059-11-5). The vertical 45-degree angle demonstrated on the plan illustrates that the dwellinghouse is sufficiently sited away from the occupier such that the distance of some 13m between the adjoining occupiers allows for sufficient light to penetrate through to the south elevation of the adjoining occupiers. Considering the trajectory of the sun, it is also considered that direct sunlight would still be received to this adjoining occupier from the west-southwest. Given the separation space between the adjoining occupiers, the level of overshadowing and overbearing impact is considered to be acceptable.
30. No other adjoining occupiers have raised concern with regards to residential amenity or the design of the dwellinghouse as the objections relate mainly to the degradation of the road surfaces which is explored in later evaluation of the application.

### **Sustainability**

31. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
32. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.

33. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.<sup>1</sup>
34. As measured from the proposed floor plans, the proposed dwellings would exceed the minimum gross internal floor area (GIA) and Storage area requirements for their respective sizes. The smaller northern dwelling would have a GIA exceeding the minimum 103m<sup>2</sup> requirement for a 4 bed five person dwelling (three storeys), having a total GIA of approximately 124m<sup>2</sup> with over 3m<sup>2</sup> of built in storage. The smallest bedroom of this dwelling equates to a GIA of over 7.7m<sup>2</sup> and a minimum width of 2.18m. The double bedrooms meet the minimum width requirements and exceed the minimum floor area requirements of 11.5m<sup>2</sup> to constitute a double or twin room.
35. The southern dwelling is of a slightly larger footprint, and is also largely of reflective layout and meets the minimum habitable room size widths and GIA requirements.
36. The development is considered to provide acceptable living conditions for future occupiers with particular reference to internal living standards in accordance with Policy DM4 of the Development Management Plan which seeks to ensure that new dwellings provide adequate internal space.

### **Garden Size**

37. SPD2 requires two bedroomed properties to provide 50m<sup>2</sup> of garden area with three bedroomed properties providing 100m<sup>2</sup>. The required garden sizes are the minimum set out for new dwellings which will ensure the provision of adequate outdoor space for recreation and to support the running of households and any possible future extensions of the dwelling.
38. The proposal sets out a rear private amenity area of 111m<sup>2</sup> for the eastern dwelling adjacent No. 97 Crouch Avenue, and a total amenity area of 147m<sup>2</sup> for the western dwelling, of which the private rear garden equates to 100m<sup>2</sup>.
39. Both proposed dwellings therefore meet the required amenity area provision for a dwelling of their respective size.

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<sup>1</sup> [Technical housing standards – nationally described space standard - GOV.UK \(www.gov.uk\)](http://www.gov.uk)



## **Parking and Highway Safety**

40. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
41. Crouch Avenue and Broom Road are unadopted roads by the Highway Authority, and both have existing areas of unsurfaced road or areas of degradation of the road surface over time. It is common for many dwellings in the road to have front amenity spaces such as grass verges or decorative bollards across their frontage so as to prevent on-street parking.
42. The proposal demonstrates two off-street parking spaces within the frontage of each proposed new dwelling, with the parking bays being of appropriate size in accordance with the required dimensions of 5.5m x 2.9m. Notwithstanding the application site sits within a corner bend in the road, the parking would be accessed perpendicular to the highway and where the application site sits back from the highway by approximately 6.5 metres, there is considered to be adequate visibility.
43. Essex County Council Highway Authority were consulted on the application and find the proposal acceptable subject to recommended conditions.
44. It is brought before the case officer that residents have raised concern through individual comments and a submitted petition expressing the concerns of the state of the road surface along Crouch Avenue and Broom Road and also the alleyway to the north of the site. The road surface as noted by the case officer whilst conducting the site visit, is of poor quality, however, the poor quality road surface is a pre-existing issue of which the proposed development (by increase of two new homes and allocated parking spaces for 4 vehicles) would not significantly exacerbate the state of the road surface such that it would be a reasonable request for the applicant to agree to the resurfacing of the road, which is poor quality not only immediately adjacent the application site but for the entire length of Crouch Avenue. Concerns have also been expressed as to the disturbance of construction vehicles adding further detriment to the road surface, however, the construction period of new dwellings is temporary and for development of this minor scale and without objection from the Highway Authority, the limited impact of the development upon the road surface is not considered to warrant refusal of the application.

## **Flood Risk & Drainage**

45. The application site is located within Flood Zone 1 and is of the lowest risk of surface water flooding and to where development should be directed. The application form details that surface water shall be

disposed of via soakaways. Notwithstanding this, a Flood Risk Assessment has been submitted which concludes that the proposal does not increase the flood risk on site or elsewhere and no mitigation measures have been identified to be required.

46. The Lead Local Flood Authority have been consulted on the application and do not wish to provide formal comment on the application as the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features. The LLFA does however recommend the use of permeable paving and water butts where possible.

### **Refuse and Recycling**

47. Policy DM1 of the Development Management Plan requires developers to give consideration to the Council's Waste Management and Recycling Scheme. Appendix 1 of the Development Management Plan provides advice on the design of waste and recyclables storage and collection requirements. The Council's Waste Management and Recycling Scheme currently provides one black 240 litre wheeled bin for recycling, one green 140 litre wheeled bin for kitchen and garden waste and one black (purple lidded) 180 litre wheeled bin for non-recyclable waste per dwelling.
48. As annotated on the proposed site plan, there would be space for bin storage within the side passage of the dwellings which is considered sufficient for the Council's 3-bin system.

### **Trees and Ecology**

49. Biodiversity Net Gain although now in force for major developments would not capture this submission as the requirement for Biodiversity Net Gain for applications for minor development is not yet in force until the anticipated date of the 2<sup>nd</sup> of April (which excludes applications made before such time) Consideration is however still given to trees & ecology.
50. Policy DM27 of the DMP states that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat. In such cases the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement.

51. The application site prior to submission has been cleared of any vegetation. Previously, the site can be viewed from aerial images as containing much vegetation and trees, none of which however were protected by Tree Preservation Orders. A preliminary ecological appraisal and an arboricultural report were recommended during pre-application advice to accompany the submission however have not been produced for consideration.
52. The occupiers of 45 Thorpedene Avenue have suggested the site was a mini-nature reserve, however, as the land is unallocated as a public open space or local wildlife site, vegetation and habitat may have formed naturally where the site had been neglected and become overgrown, but is not protected as such. The application form completed suggests the last existing use was residential garden.
53. The site has since been cleared of vegetation - as viewed on site by the case officer in February 2024. It is unlikely the site in its current state is of any ecological significance as the land appeared flattened. It is therefore unlikely the proposed development would give rise to harm to bats or their habitat presently as any possible pre-existing habitats would have been cleared. It cannot be concluded as to any pre-existing ecological value at the site as no such appraisals have been submitted for consideration however the Design & Access Statement submitted by the applicant explains that the land shows no sign of any protected species, though this is with reference to the site post-clearance.
54. Notwithstanding the above, the proposal includes landscaping by way of grass lawn within the rear amenity area of the proposed dwellings, and new trees along the northern boundary to assist with privacy screening. Application permitting, a condition would be able to secure details of the proposed landscaping and ensure implementation of the proposed trees to be planted and maintained to secure their establishment. As the pre-existing vegetation within the site was not subject to any TPO's or is allocated open space or a local wildlife site, and in the absence of any evidence which suggests priority species were present on site, the application can move forward for consideration.

### **Off Site Ecology**

55. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.

56. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

*HRA Stage 1: Screening Assessment – Test 1 – the significant test*

Is the development within the zone of influence (Zol) for the Essex Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

Proceed to HRA Stage 2: Appropriate Assessment - *Test 2 – the integrity test*

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

57. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on the 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.
58. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.
59. The applicant has paid the suggested financial contribution for two proposed new dwellings to contribute towards long term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

## CONCLUSION

60. Approve.

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

### Hullbridge Parish Council:

Hullbridge Parish Council object on the grounds of unacceptable high density/overdevelopment of the site; including the loss of garden land. Also adverse effect on the residential amenity of residents, by reason of over shadowing and concerns of the potential loss of light to neighbouring properties.

Note the extensive vegetation on site has already been cleared in it's entirety in anticipated readiness of planning approval.

If the application is to be approved we would request a condition be applied that requires that the developers/builders make good any damage to the road and footpath caused by this development.

### Essex County Council Lead Local Flood Authority:

Thank you for consulting us on the above application, having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features, therefore we do not wish to provide formal comment on this application.

However, as this site lies within a Critical Drainage Area, we would recommend the use of permeable paving and water butts where possible.

### Essex County Council Highway Authority:

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The application includes subdivision of the site and provision of two new dwellings with off-street parking. Vehicle access is from the private streets; Crouch Avenue and Broom Road both of which are non-maintainable highway, therefore:

**From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:**

1. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

2. Prior to first occupation of the development and as shown in principle on planning drawing 4059-11-3 , each dwelling shall be provided with two off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form at all times.

**Reason:** To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM8.

3. Prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

**Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

**Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

**Reason:** To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**Informative:**

- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
- The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)



Neighbour representations:

3 responses have been received from the following addresses;

First line of address; No. 93 Crouch Avenue; 45 Thorpedene Avenue; Rose Glenn Broom Road;

Comments are summarised as follows:

- 93 Crouch Avenue raises concerns on the impact of road safety during construction of the development. Complaints the works have already started without permission as HGVs delivering materials and noise of works can be witnessed visiting the site
- The occupier of Rose Glenn Broom Road does not object to the proposal aside of the concerns with regards to road safety.
- The occupiers of 45 Thorpedene Avenue provide comment the application site was a mini nature reserve
- Concerns raised the proposed buildings would leave their property too dark and overlooked as their frontage is in line with the alleyway. Concerns are also raised the property's would have access via Thorpedene Avenue which is congested. There is a Hawthorn Tree in the alley which provides the occupier little privacy which they wish to see retained

A petition of 16 signatures has been submitted signed by the residents addresses listed as follows; Nos. 93; 88; 86; 84 95; 92; 90; 91 Crouch Avenue; 53 Waxwell Road; Rose Glen Broom Road.

The petition raises concern as to the state of the road surface and the public footpath adjacent the north boundary of the site.

### **Relevant Development Plan Policies:**

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) Policy CP1, H1, H6, ENV9

Development Management Plan (December 2014) Policy DM1, DM3, DM4, DM30

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

## **RECOMMENDATION: APPROVE**

### Recommended Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 4059-11-1; Drawing No. 4059-11-3 B; Drawing No. 4059-11-5 dated November 2023.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 and DM3 of the Development Management Plan, in the interests of visual amenity.

4. Prior to first occupation of the dwellings hereby approved two off street car parking spaces shall be provided to the front of the dwellings, with dimensions of 5.5m x 2.9m and hard surfaced in a bound and permeable material. These car parking spaces shall be maintained for the purpose of parking in perpetuity.

REASON: To maintain 2 car parking spaces in connection with the residential occupation in compliance with the requirements of policy DM30 of the Local Development Frameworks Development Management Plan and the Parking Standards Design and Good Practice Supplementary Planning Document (adopted December 2010).

5. Prior to first occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall be agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show and include details of:

- schedules of species, size, density and spacing of all proposed trees, shrubs and hedgerows to be planted;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- means of enclosure and other boundary treatments;

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

6. The first-floor and second floor side windows to the north flank wall serving the proposed bathroom as depicted in Proposed Side L and the submitted floor plans on Drawing No. 459-11-1, shall be obscure-glazed and shall be of a design not capable of being opened below a height of 1.7 metres above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the approved fenestration, in the interest of privacy between adjoining occupiers.

The local Ward Members for the above application are Cllr. M. Hoy, Cllr. S. A. Wilson and Cllr. Mrs. T. D. Knight.

Application No :	24/00088/FUL      Zoning : No allocation
Case Officer	Ms Elise Davis
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	Land Adjacent 29 Newton Hall Gardens Rochford
Proposal :	Sever land and erect a detached, 3 bed dwelling with associated access and car parking.

## **SITE AND PROPOSAL**

1. The existing street scene consists predominantly of semi-detached chalet-style bungalows with long-sloped pitched roofs. A common architectural feature on each of the semi-detached properties are front

and rear flat-roofed dormers that are set well within the dwelling's roof slope. It is evident from the street scene that most of the semi-detached properties were symmetrical in design and many still share that commonality. However, many properties have extended dormers, added front porches and have carried out other architectural works. The area is predominately residential in character and is located wholly within the settlement zone of Rochford.

2. The application site is No.29 Newton Hall Gardens. The existing property is constructed out of facing brick under a concrete interlocking tile roof. The property has an extensive garden which is relatively flat and wraps around the rear/side of the dwellinghouse and is demarcated by 1.8m (approx.) panel fencing sited on concrete gravel boards. Located adjacent to No.31 Newton Hall Gardens is a garage, which will be demolished to make way for the proposal.
3. Planning permission is sought to sub divide the plot and erect a detached, three bedroomed dwelling with associated access and car parking. The application follows pre – application advice.

## **RELEVANT PLANNING HISTORY**

4. Application No. 23/00413/FUL - Sever land and erect a detached, 3-bed dwelling with associated access and car parking. – Refused.

The reasons for refusal of application reference 23/00413/FUL are listed as follows:

1. The proposed development by virtue of its layout and minimal frontage on to the street, would result in a building plot out of character with the established pattern of development within this area of Newton Hall Gardens. The development would not successfully reference the prevailing character of the area proving to be out of keeping to the character and appearance of the site and the surrounding area. The proposal would therefore lack local flavour contrary to Policy CP1 of the Council's Core Strategy and fail to achieve a positive relationship with nearby dwellings contrary to Policies DM1 and DM3 of the Council's Development Management Plan and would fail to accord with the overall quality of the area in conflict with paragraph 130(a) of the National Planning Policy Framework.
2. The proposed first floor window in the principal elevation of the dwelling proposed by reason of minimal separation distances, orientation and siting would give rise to an unreasonable amount of overlooking and loss of privacy, harmful to residential amenity of the occupiers of No.31 Newton Hall Gardens contrary to guidance stipulated within the Essex Design Guide.

5. PA/23/00039/PREAPP - pre application for Sever land and erect a detached, 3-bed dwelling with associated access and car parking.

## **MATERIAL PLANNING CONSIDERATIONS**

6. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

## **Principle of Development**

8. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 131 explains that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
9. The NPPF also advises that planning policies and decisions should ensure that developments:
  - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and

other public spaces) and support local facilities and transport networks; and

- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed (para. 139).

11. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.

12. The case officer noted on the site visit that the applicant has an extensive garden which wraps around the side and rear of their property. The applicant has submitted a full planning application and the proposed development involves severing the plot of land and erecting a detached 3-bedroomed bungalow with associated access and car parking. According to the Council's GIS database the application site is located entirely within the settlement boundary of Rochford. Therefore, given that the application relates to a developed site within a settlement zone, the broad principle of the development is acceptable with the main issues for consideration as to the acceptability of the development as infill development, being issues of design, scale and impact on character, as well as impacts on residential amenity; these and other considerations are explored below.

13. In terms of housing need, the Council has an up to date 5-year housing land supply; however, additional windfall sites such as this would add to housing provision in the district.



## **Layout and Impact on Character**

14. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development.
15. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to existing street patterns, density and character of locality. The Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25m for detached dwellinghouses or 15.25m for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1m between the outside face of the wall to habitable rooms and the plot boundary.
16. As previously stated, the proposal involves severing the applicant's curtilage in order to construct a detached dwellinghouse on the newly formed plot. In order to gain access, the proposal involves the demolition of an existing garage, which is located immediately adjacent to the garage serving neighbouring No. 31 Newton Hall Gardens. According to the submitted plans the proposed plot of land is narrow at the site frontage (some 4.8m adjacent the highway) which serves the access to both sites, and which then opens out to be a roughly elongated rectilinear plot of approximately 13.9m in width from north to south.
17. It is proposed the existing dwelling No. 29 Newton Hall Gardens and the proposed new dwelling share the vehicular access to the site but would have provision for their own parking arrangements. The severed site of No. 29 would remain to have a width of some 10.66m, with the proposed new dwelling having a plot width of approximately 13.8m. It can be recommended by condition that no boundary treatments are to be erected within the front curtilage of both sites so as to prevent any severing of the shared access.

18. According to the submitted plans, the proposed new dwelling would maintain some 1.2m isolation space to the intervening plot boundary shared with existing dwelling No. 29, and would also maintain some 1.2m isolation space to southern site boundary at the closest point.
19. This some 1.2m wide passageway which traverses both flank elevations of the proposed property would allow sufficient access to the private garden located at the rear and offers an area to accommodate refuse storage. Overall, the case officer is of the opinion that the simple rectilinear footprint with private amenity space located to the rear and parking to the front of the proposed new dwelling is in keeping with the local vernacular and the plot remaining to the existing dwelling No. 29 Newton Hall Gardens with parking to the side also in keeping with the general characteristics of the area.
20. According to the submitted plans the proposed dwelling would be set back further into its plot than the adjacent property No. 29 Newton Hall Gardens by approximately 15.25m as measured from the northwest corner of the proposed dwelling to the west site boundary shared with No. 31 Newton Hall Gardens. The front elevation of the proposed development will be set back some 10.5m from the front elevation of No.29.
21. Located at the front of the proposed dwellinghouse will be an area of hard standing which can accommodate two car parking spaces in side-by-side formation. As stated within the previous case officer report for application reference 23/00413/FUL, the case officer considered properties within the location to be well set back from the public highway helping to promote a spacious feel and with there being a general sense of uniformity and homogeneity amongst the row of properties. The case officer identified there to be a strong building line within the street and acknowledged that building lines can provide consistency and help to unify building types but noted however, that they should not slavishly adhered too, especially when there are strong mitigating factors.
22. The redevelopment of existing private gardens, particularly where they form a significant part of the character of the area can result in the disruption to the grain of development so as to be considered unacceptable. The properties within the cul-de-sac are set around a narrow access which terminates at a turning head and generally, the properties have relatively shallow frontages with limited landscaping. The houses are set close together, and there is a sense of uniformity and cohesiveness considered to be in a close established relationship.

23. The applicant has raised to the case officers' attention three sites where similar arrangements for infill development have been considered favorably by the Local Planning Authority (or allowed on appeal) and which share similar corner plot layout characteristics whereby the infill dwellings do not fall within an established building line or pattern and grain of development. The cases listed are; 36 Larkfield Close (21/00721/FUL) - Sub divide plot and construct new build 2 bedroom bungalow; 20 Larkfield Close (20/00127/FUL) - Sub-divide plot and construct 1 no two bed roomed bungalow and pair of flat roofed double garages; and 30 Holt Farm Way (05/00933/FUL) - Demolish existing garage, subdivide plot and erect a two bed detached chalet. These applications have been considered by the case officer and against the same criteria that is still current and to comparable sites, undermine the council's position in relation to the first reason for the refusal of the previous application that raised concern at the lack of an appropriate frontage.
24. Notwithstanding this, it is noted that the proposed new dwelling would be in line with the siting of the building to the north No. 17 Newton Hall Gardens which is set back from the highway at a similar distance to the dwellinghouse proposed. In siting the proposed dwelling further back within the site, due to its corner plot location within the bend in the road, the proposed dwellinghouse would not occupy a highly visible or prominent location in view of the public realm, and therefore, despite it not conforming to the general pattern and grain of development in line with the dwellings to the south side of the road, the proposed dwelling is considered to result in limited impact to the character of the area in this regard.
25. The removal of the existing garage which serves No.29 would open up the site to facilitate access to the proposed new dwelling and it is considered that the proposed dwelling – a bungalow - will be sited in a large plot with a generous frontage set back from the road, with sufficient space for parking provision and soft landscaping, and as such would not appear cramped.
26. The case officer for the previous application considered that the previously proposed layout would not provide a frontage and form congruent with the existing layout and character of the area and which would appear contrived and awkward at odds with the layout of the other properties. It is noted that the siting of the proposed dwellinghouse in the previous application was sited further westward with less separation space from the front wall to the west site boundary shared with No. 31 Newton Hall Gardens, and given the lack of open frontage to the dwelling of its prior position, the car parking was required to be sited at awkward angles to each other and with no

additional room to provide any soft landscaping, thus appearing cramped and contrived within the corner plot.

27. It is considered that the proposed dwelling as sited in this application submission is able to overcome the previous objection. Notwithstanding that the proposed dwelling does not fall directly within the existing pattern and grain of development shared with the dwellings sited to the south side of Newton Hall Gardens, the case officer is of the opinion the siting of the dwelling being retained to within the building line of the dwellings to the east row of dwellings in line with No. 17 (further north in the street) and being of limited visibility would not be significantly harmful to the character and appearance of the area. Where the dwellinghouse may be partially visible from the public realm, there would be views mainly of the access to the site and area of soft landscaping provided within the proposed dwellings front curtilage, which is now considered to be more spacious and with adequate room for parking and therefore would not result in an incongruous form of development, appearing squeezed and discordant as previously considered.

### **Design of the Proposed Dwellinghouse**

28. According to the submitted plans the footprint of the proposed dwellinghouse would be a bungalow of a thick 'T' shaped footprint of roughly some 122m<sup>2</sup>. The proposed dwellinghouse would incorporate a pitched roofed form and would display a gable end to the front and rear elevation. The proposed dwelling would measure approximately 11.2m wide at the front elevation by 12.7m deep at the deepest point and would have an eaves measuring approximately 3.1m high to the apex of the pitched roof, some 5.66m high. In terms of scale the proposed dwellinghouse would have a footprint similar to that mass of existing pairs of semi-detached dwellings (their combined mass) in the road, but would be of less height and bulk due to its single storey form, so as not to appear visually jarring.
29. The design of the proposed dwellinghouse would be considered in keeping with the local vernacular by way of its simple form and design. All of the proposed window/door apertures will incorporate a brick soldier course to articulate the openings. Internally the proposed dwellinghouse will comprise kitchen/dining room, bathroom, lounge, ensuite, two bedrooms and a third bedroom/office space with central corridor area to the rooms. The materials proposed of facing brick under a concrete tile roof are considered acceptable for use within the streetscene, and their use can be secured by the imposition of an appropriately worded planning condition.

30. It is not considered that the proposal will cause harm to the character and appearance of the streetscene due to its location with the host property No. 29 Newton Hall Gardens providing a screen to the majority of the proposal, as such the proposal accords with policy DM1 and guidance advocated within the NPPF.
31. It is considered that the design of the proposed dwellinghouse is unassuming and unpretentious in appearance but generally in keeping with the local vernacular. Whilst it is not considered to be of innovative design, it would not be considered tantamount to alien built form in the vicinity which is characterized by a broad range of dwelling types such that the proposal could not be considered unacceptable by way of design and appearance. Overall, it is considered that the proposed development in relation to design complies with guidance advocated within the NPPF and policy DM1.

### **Impact on Residential Amenity**

32. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
33. It is considered that the development of the site for housing is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
34. Paragraph 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments, is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
35. Located to the north of the application site is No. 29 Newton Hall Gardens (the applicant's property which is a 1.5 storey semi - detached dwellinghouse) and No. 27. To the west is No.31 Newton Hall Gardens which is also a 1.5 storey semi - detached property. Whilst to the rear of the application site (south) are Nos. 25 and 27 Canewdon View Road.

36. The proposed dwellinghouse would project some 5.8m beyond the rear building line of its adjoining occupier No. 29. The dwellinghouse is a single storey bungalow of limited height, and is sited some 4.2m south of this dwelling, with car parking provision to No. 29 between the flank walls. It is considered that the proposed dwellinghouse would not give rise to an unreasonable impact on the residential amenities of No. 29 and 27 Newton Hall Gardens with regards to overshadowing and overlooking.
37. According to the submitted plans there will be one window in the flank elevation of the proposed dwellinghouse facing No.29, which will serve the kitchen/dining room. Furthermore, the case officer witnessed that there were several windows on the flank elevation of No. 29 at ground floor and first floor level levels. Generally, side windows are commonly overshadowed in residential areas due to the proximity of neighbouring properties. The case officer considers it prudent to attach a condition requiring boundary treatment to be erected along the common boundary, which will help to mitigate any negative externalities.
38. The case officer noted that there were residential properties located at the rear of the application site (Nos. 25 and 27 Canewdon View Road). The case officer viewed these properties being roughly at a 90° angle relationship to the proposed dwellinghouse. According to the submitted plans there is a distance of approximately 23.5m separating the properties. The degree of separation and boundary treatment of the site is considered to mitigate any negative externalities caused by the proposed development. The proposed dwellinghouse does not have a first floor and therefore overlooking to the adjoining properties is considered to be mitigated by boundary treatments to the dwelling. Overall, it is not considered that the proposed development would cause any significant issues with regard to loss of light or privacy to these neighbouring occupiers or that it would have an overbearing impact.
39. Turning to the No.31 Newton Hall Gardens, which is located directly to the west of the application site, the proposed dwellinghouse would be situated approximately 7.85m increasing to 15.6m (due to the orientation and juxtaposition of the properties and the intervening boundary which is splayed) to the west boundary. According to the submitted plans, the principal elevation of the proposed dwellinghouse would face the rear garden of this property (No.31). The case officer observed that within the residential curtilage of No.31 there was a detached garage, which was located adjacent to the common boundary separating it from the application site. Furthermore, the case officer noted that there were several windows on the flank elevation of No.31 (at ground and first floor). It is not considered that the proposed



dwellinghouse will have a detrimental impact on these windows as the property No.31 is set further north into its plot in relation to the proposed dwellinghouse. There is also not considered to be a breach of the 45-degree rule and due to the dwellings siting to the east of the site, and relatively modest scale and height, the dwellinghouse No. 31 is considered to receive sufficient light during the peak hours of the day as has a mostly south facing rear elevation and amenity area.

40. In relation to other properties in the vicinity it is considered that the proposed development would not give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. Overall, it is considered that the proposal will not result in significant demonstrable harm attributable to loss of privacy, overbearing impact, over domination or overshadowing and the proposal complies with policy DM1 and advice advocated within the NPPF.

### **Living Conditions of Future Occupiers**

#### **Garden Sizes**

41. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
42. Supplementary Planning Document 2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings except one and two-bedroom dwellings where a minimum private garden area of 50 m<sup>2</sup> would be required. As previously stated, the proposal is for a new three bedroomed detached bungalow. The existing garden for both the proposed new dwelling and the existing dwelling will be subdivided leaving a remaining garden area of approximately 280m<sup>2</sup> for the existing dwelling No. 29 and a new garden of approximately 327m<sup>2</sup> for the proposed new dwellinghouse.
43. Both of the properties would be provided with sufficient private amenity space, which would exceed the outdoor amenity space requirements as set out within SPD2.

#### **Sustainability**

44. The Ministerial Statement of the 25th March 2015 announced changes to the governments policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.

45. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
46. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
47. A single storey dwelling which would comprise of three bedrooms accommodating either four or five people would require a minimum Gross Internal Floor Area (GIA) of 74m<sup>2</sup> or 86m<sup>2</sup> respectively. Additionally, the dwelling must have a minimum of 2.5m<sup>2</sup> built-in storage space. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55 metres. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwelling will measure approximately 102m<sup>2</sup>.
48. According to the submitted floor plans, bedroom 1 would have a minimum width of some 3.17m and a GIA of 13.3m<sup>2</sup>. Bedroom 2 would have a minimum width of some 3.4m and GIA of 11.5m<sup>2</sup> and therefore both rooms would meet the requirement of a double or twin room. Bedroom 3 is also annotated as an office, but would have a minimum width of some 2.5m and a GIA of 8.4m<sup>2</sup> and would therefore meet the requirement for a single bedroom. All the bedrooms therefore comply with aforementioned policies and meet the internal floor area required. Furthermore, it was noted that the built in storage area equates to approximately 2.9m<sup>2</sup> which is compliant with the Technical Housing Standards.
49. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.

50. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Impact on Highway Safety

51. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
52. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms or more, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
53. In accordance with paragraph 111 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
54. The proposed site has sufficient space within the proposed curtilage to provide at least two car parking spaces at the required dimensions as stated in the EPOA parking standard. Properties of this size would be required to provide two off street parking spaces and therefore no objections are raised regarding parking. It is noted numerous neighbouring properties have hard-surfaced their frontages in order to provide vehicular parking. The proposal has included an area of soft landscaping it would be reasonable for the Council to impose a condition to secure this by way of condition.
55. As previously stated, this application includes the subdivision of the plot and the erection of a detached three bedroomed dwellinghouse adjacent to the existing property. The proposal leaves adequate provision of parking for two vehicles, albeit in a tandem relationship, but at the required dimensions per parking bay, and which would be able to access the hardstand vehicular passage for the shared driveway. Essex County Council Highways Authority have been consulted regarding the application however have not responded. It is noted however, that they did respond to the previous proposal which although featured different parking layout included the same shared access. The Highways Authority considered the proposal acceptable and raised no objections to the proposal subject to recommended conditions.

56. It is considered that the intensification resulting from the provision of one dwelling in the area is not deemed to be of such severity so as to warrant refusal of the application on highway grounds. It is considered that the proposal subject to the recommended conditions complies with the relevant policies contained within the Development Management Plan and the NPPF in this regard.

#### Drainage considerations

57. Development on sites such as this can generally reduce the permeability of at least part of the site and change the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Flooding considerations

58. According to the Environment Agency's Flood Risk Map, the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such the development is compatible with the advice advocated within the NPPF.

#### Waste and Refuse Storage

59. The application form details that the proposed dwelling will connect with the mains sewer to dispose of foul sewage.
60. Policy DM1 of the Development Management Plan requires development to give consideration to the Council's Waste Management and Recycling Scheme. Appendix 1 of the Development Management Plan provides advice on the design of waste and recyclables storage and collection requirements. The Council's Waste Management and Recycling Scheme currently provides one black 240 litre wheeled bin for recycling, one green 140 litre wheeled bin for kitchen and garden waste and one black (purple lidded) 180 litre wheeled bin for non-recyclable waste per dwelling.
61. As annotated on the proposed site plan, there would be space for bin storage within the south side passage of the proposed dwelling and space within the side/rear amenity area of the existing dwelling No. 29 which is considered sufficient for the Council's 3-bin system.

## Trees & Ecology

62. Biodiversity Net Gain although now in force for major developments would not capture this submission as the requirement for Biodiversity Net Gain for applications for minor development is not yet in force until the anticipated date of the 2<sup>nd</sup> of April (which excludes applications made before such time). Consideration is however still given to trees & ecology.
63. The closest trees are located to the southern site boundary, with one inside the site and another in the adjoining garden of 27 Canewdon View Road. The supporting statement confirms that whilst part of the canopy is overhanging the application site, trees close to boundaries are a civil matter and may be cut back as required. RDC's Arboricultural Officer has been consulted on the application and has recommend as a condition for a tree protection plan and arboricultural method statement be provided in accordance with BS 5837 however the case officer is of the view that the recommended condition for a tree protection plan and method statement would not meet the 'six tests' so as to impose the condition, given that as the tree is not protected by a preservation order, the tree is not considered to be of significant importance and could be subject to felling without requiring permission. Furthermore, the previous case officer did not raise any concern with regard to trees within the site.
64. No ecological appraisal has been submitted with the application however the site is maintained domestic garden featuring mown lawn and various shrubs and plants and it is therefore unlikely to support protected species. The bat declaration survey submitted indicates there would not likely be harm to bats or their habitat as a result of the proposed development.

## Off Site Ecology

65. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
66. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to

a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 – the significant test

Is the development within the zone of influence (Zol) for the Essex Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

Proceed to HRA Stage 2: Appropriate Assessment - Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

67. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

68. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority as this has rolled over from the previous application submission (reference 23/00413/FUL).

## **CONCLUSION**

1. Approve.



## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Ashingdon Parish Council:

Parking is still an issue with this development. Parking in this road is an issue and further development will increase the problem.

Access to this development via a single driveway could prove a hazard

This road/area floods during heavy rain and will increase with another build.

Neighbour representations:

4 responses from the following addresses;

No. 27, No. 31, No. 33; No. 34; Newton Hall Gardens;

Comments raised are summarised as follows:

- Concerns part of the new build will be visible
- Concerns regarding parking stress and congestion in the road will be exacerbated, the corner of the road is used as a turning point for vehicles
- Concerns as to emergency vehicle access to the dwelling
- The new build will be overbearing and will block sunlight to Nos. 31 and 33 Newton Hall Gardens of which occupier to No. 31 has recently laid patio to enjoy sunlight
- Concerns of loss of light to No. 27 Newton Hall Gardens
- Raises concern the new build will lead to congestion to the detriment of the environment
- The drainage systems to No. 25, 27 and 29 Newton Hall are old and flooded due to being lowest point of the estate, surface water is slow to soakaway
- Concerns regarding the measurements on the plans as to the parking arrangements and access
- Second application to 29 Newton Hall Gardens, the same issues are still relevant to the proposals even with a change to the building plans.
- The proposed development's layout and limited street frontage would disrupt the established development pattern in Newton Hall Gardens, failing to align with the area's character. Consequently, it would lack local support, going against Policy CP1 of the council's Core Strategy, and fail to establish a positive relationship with neighbouring dwellings, contrary to Policies DM1 and DM3 of the council's Development Management plan. This would also conflict with paragraph 130(a) of the National Planning Policy Framework. Overall, it would not meet the area's quality standards.
- The developer has used photographs in his planning application taken of the roadside at Newton Hall Gardens are highly misleading and do not reflect the actual levels of on-street parking present at Newton Hall Gardens at almost all times. We would invite the Case Officer and any other relevant individuals concerned with the consideration of this application to visit the site to get a truer picture of the typical levels of congestion.

### **Relevant Development Plan Policies:**

National Planning Policy Framework December 2023

Core Strategy Adopted Version (December 2011) Policy CP1, H1, H6, ENV9

Development Management Plan (December 2014) Policy DM1, DM3, DM4, DM27, DM30

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

### **RECOMMENDATION: APPROVE**

Recommended Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 29NHG SK05 Revision C dated 09.02.2024; Existing and Proposed Drawings Drawing No. 29NGH 0.1 Revision B dated 02.02.2024; Existing Location Plan Drawing No. 29NGH EX.00 Revision A dated 02.02.2024

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 and DM3 of the Development Management Plan, in the interests of visual amenity.

4. Prior to first occupation of the dwelling hereby approved two off street car parking spaces shall be provided to the front of the proposed dwelling, and the flank of No. 29 Newton Hall Gardens, each with dimensions of 5.5m x 2.9m per parking bay and hard surfaced in a bound and permeable material. These car parking spaces shall be maintained for the purpose of parking in perpetuity.

REASON: To maintain two car parking spaces in connection with the residential occupation in compliance with the requirements of policy DM30 of the Local Development Frameworks Development Management Plan and the Parking Standards Design and Good Practice Supplementary Planning Document (adopted December 2010).

5. Prior to first occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall be agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show and include details of:

- schedules of species, size, density and spacing of all proposed trees, shrubs and hedgerows to be planted;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- means of enclosure and other boundary treatments;

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

6. Prior to commencement of the development hereby permitted, a drainage plan and details of the sustainable drainage scheme shall be submitted to the Local Planning Authority and agreed in writing.

REASON: In the interests surface water drainage in order to ensure that any surface water runoff from the site is sufficiently discharged.

7. No boundaries, fences, walls or other means of enclosure shall be erected within the front curtilage of the site to the proposed new dwelling and No. 29 Newton Hall Gardens. The areas of hardstanding

and vehicular access shared by the dwellings shall remain in perpetuity.

REASON: In order to prevent enclosure and separation of the shared vehicular access and safeguard sufficient manoeuvrability for the parking of vehicles for each dwelling.

8. Prior to first beneficial occupation of the proposed bungalow hereby permitted, a 1.8m high intervening boundary shall be erected on the north site boundary between the proposed new dwelling and No. 29 Newton Hall Gardens and maintained in perpetuity. Details of the boundary treatment shall be submitted to the Local Planning Authority and agreed in writing.

REASON: In order to secure privacy between adjoining occupiers and in the interests of visual amenity.

The local Ward Members for the above application are Cllr. M. R. Carter, Cllr. Mrs. D. L. Belton and Cllr. R. P. Constable.