



PLANNING APPLICATIONS WEEKLY LIST NO. 1702
Week Ending 8th 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 21 March 2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **13th March 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 .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 Steve Summers Strategic Director. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

- 1. 24/0009/FUL – 23 Park Gardens Hawkwell PAGES 2-12
- 2. 23/00978/FUL – 1 Chestnut Path Canewdon PAGES 12-21

Application No:	24/00009/FUL Zoning: Residential
Case Officer	Mr Thomas Byford
Parish:	Hawkwell Parish Council
Ward:	Hawkwell West
Location:	23 Park Gardens Hawkwell Essex
Proposal:	Variation of Condition 2 pursuant to planning consent ref. 22/00546/FUL to allow different external facing materials to be used in the construction of the development consisting of 'Demolition of existing 2 storey dwelling and replacement with proposed 2 no. dwellings'.

SITE AND PROPOSAL

1. The application site constitutes a spacious corner plot which was subject to full planning permission to demolish the house on site and replacement with 2 dwellings under the most recent planning reference 22/00546/FUL. This full permission followed a previous planning permission 19/00520/FUL which was for a development of the same description which was granted planning permission on 21/08/2019. The application site prior to commencement of development comprised a detached two-storey house, which was situated towards the Western boundary and extended further back on the eastern side of the rear elevation. The area surrounding the site is residential in character. The street comprises a mixed street scene; opposite the site are mainly detached two-storey dwellings all of which are eclectic in style, adjacent to the site are six semi-detached two-storey dwellings all of which share an almost identical design.
2. The application form submitted in support of this current Section 73 application indicates that the development subsequent to the most recent consent started on 1.12.2023. The purpose of this application is to enable changes to the material finish of the 2 dwellings approved (cited as Plot 1 and Plot 2) by the most recent consent to enable the use of solely of brick in both dwellings as opposed to the previous combination of render and brick finish with a predominance of render to the front and rear elevations as were shown by the previously approved plans. It is clarified that this application is limited in its consideration as it does not revisit the principle of the development but rather the single issue of whether the proposed changes to the external material finish of the 2 dwellings is acceptable in design terms and whether there would be any fundamental detriment to the character and appearance of the area by reason of the proposed change. This current application does not revisit other matters covered by the previous application as they do not need to be rehearsed given the limited scope of this application, however the planning permission if granted does need to be lawfully

sound including all conditions necessary to clarify the scope of the permission and what plans the development must be undertaken in accordance with.

3. This section 73 application is accompanied by 2 plans only. The first plan is plan reference H301/29 (Proposed Elevations). This plan shows the proposed treatment of the outer elevations of both dwellings (Plot 1 and Plot 2) which indicates that all elevations of both dwellings will comprise of brick. A Material Schedule annotated and shown on the same plan indicates that Plot 1 will comprise wall elevations made up of Harewood Blend facing brick a textured multi toned buff coloured brick with darker tones incorporated , Marley Modern Grey roof tile and white UPVC windows. Plot 2 is to be treated the same in terms of wall and roof details but the fenestration is annotated on the plan as RAL 7038 (the paint code number) Agate Grey. There is no further detail in terms of the stated windows in terms of whether they are to be UPVC, or other composite material or Aluminium. No floor plan has been submitted as part of this application and it is the case that other than where the previous plans in terms of the details of elevational treatments are replaced by the most recent elevation plans the floor plan details remain the same.
4. The second plan submitted in support of this current application is plan reference H 301 /101 (3 D View). This plan indicates wall elevations comprising of purely brick and which contrast with the previously approved plan reference H301/12 (Plot 1: Proposed Plans and Elevations) and H301/13 (Plot 2: Proposed Plans and Elevations) which also showed 3 D images indicating a greater mix of render and brick with a predominance of render to the front and rear elevations. The previously submitted plans referenced H301/11 Rev A (Location and Site Plan) and H301/25 (Proposed Landscaping Plan) are still relevant and are not proposed to be changed or varied in any way by this Section 73 application.
5. Condition 2 from the above consent (22/00546/FUL) reads as follows:-

2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure that the development harmonises with the character and appearance of the existing building, in the interests of visual amenity.
6. The proposed alterations to external facing materials would be a replacement with the approved brick and render to just brick.

RELEVANT PLANNING HISTORY

7. Application No. 88/00280/FUL – double garage to side of dwelling – withdrawn
8. Application No. 94/00409/FUL – two storey side extensions and add front dormer – permitted 20/09/94
9. Application No. 99/00342/FUL – demolish existing garage and two-storey side extension incorporating integral garage with pitched roof at second floor and part flat roof at first floor, provision of front dormer – permitted 05/08/99
10. Application No. 19/00520/FUL - demolition of existing 2 storey dwelling and replaced with proposed 2 no. dwellings – permitted 21/08/2019
11. Application No. 22/00546/FUL - Demolition of existing 2 storey dwelling and replacement with proposed 2 no. dwellings (resubmission following approval of application ref: 19/00520/FUL) – permitted 11/08/2022
12. Application No. 23/00974/NMA - Non-Material Amendment to Planning Approval 22/00546/FUL; Changing the brick and render finish to brick finish only – Refused 18.12.2023

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. 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

Procedural Matters and the Legal Scope of Section 73 applications

15. Section 73 of The Town and Country Planning Act indicates that applications such as the one in question, are applications to develop land without compliance with conditions previously attached to previous planning permissions. The statute advises that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to

conditions, which conditions are necessary to uphold the original consent which may differ to those previously granted.

16. This application is limited to the subject matters highlighted within the planning application. From a procedural perspective if granted, this section 73 consent would constitute a further consent to be read in conjunction with the earlier approved planning permission under application reference 22/00546/FUL. The developer could lawfully implement either consent on the approval of a Section 73 application. Other than the plans subject of this application, the plans as previously approved in particular the floor plans remain unaffected. The Site Layout Plan and Landscaping Plan also are unaffected and are to be conditioned as such as part of this section 73 approval if granted. Relevant conditions attached to this Section 73 approval include compliance conditions and a bespoke condition which clarifies that despite being shown on a plan which was also inclusive of elevations now changed by revised elevation plans that those plans as they relate to the floor space of the dwellings remains valid.

Impact on the Character and Appearance of the Area

17. The only matter for consideration given the limited scope of this application is the impact of the proposed change in the external materials and finish of the development on the character and appearance of the area. 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. These objectives are also set out by the councils Supplementary Planning Document (SPD) 2 relating to Housing Design whilst paragraphs 135 of the Framework seeks development which is visually attractive, and which is sympathetic to local character.
18. In consideration of this matter, it is considered that the elevation plans as previously approved did show a greater variety of material finish to the 2 properties proposed with the dwelling at Plot 1 comprising render and the dwelling at Plot 2 comprising brick but with rendered gablette features which visually broke up the elevations were these design features were shown.
19. In consideration of the setting of the site there is no overriding prevailing design form in terms of external finishes to resist the change as proposed. There is no policy consideration that informs the determining authority that the use of solely brick in this case is not acceptable. If there were more dwellings where a scheme was working within the parameters of a design code this would be a different matter. It is considered however that the windows and doors to be used in both plots for consistency should be of a Grey finish which is conditioned to ensure that clarity exists regarding the material to be used in terms of

whether the fenestration will be powder coated Aluminium or UPVs or other composite material.

CONCLUSION

20. Approve subject to conditions

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

21. HAWKWELL PARISH COUNCIL – No comments received.

22. ECC HIGHWAYS Although no consultation response has been received for the proposal from ECC Highways, with the proposal comprising of a change in external materials only, it is considered reasonable to include the consultation response from the original application which considered the highway impacts of the development.

‘The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes the demolition of the existing dwelling, subdivision of the site and construction of two new dwellings.

Adequate off-street parking is included, and a new vehicle access is required, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to first occupation of the development, the existing vehicle access for Plot 1 shall be widened to align with the vehicle parking layout as shown in planning drawing H301/11 Rev A. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway. Full layout details and final width to be agreed with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety in accordance with policy DM1.

Informative regarding the access: Utility apparatus.

The applicant should be made aware of the potential required relocation of utility apparatus including the line pole in the highway and any other associated utilities that may be underground. Any relocation shall be fully at the applicant's expense.

2. Prior to first occupation of the development and as shown in principle on planning drawing H301/11 Rev A, the proposed new vehicular access for Plot 2 shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the

highway verge and footway with a minimum width not less than 3 metres. Full layout details to be agreed with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with policy DM1.

3. 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.

4. Prior to first occupation of the development and as shown in principle on planning drawing H301/11 Rev A. Each dwelling shall be provided with two off-street parking spaces, which shall each have minimum dimensions in accordance with current parking standards. The vehicle parking areas 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.

5. 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.

6. 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.

7. 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.'

23. NATURAL ENGLAND –

Although no consultation response has been received for the proposal from ECC Highways, with the proposal comprising of a change in external materials only, it is considered reasonable to include the consultation response from the original application which considered the ecological impacts of the development.

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS);

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Rochford District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

24. ECC – MINERAL AND WASTE PLANNING AUTHORITY – no comments or objections.

25. NEIGHBOURS:
No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy 2011 - CP1, H1, H5, H6, ENV9

Development Management Plan 2014 - DM1, DM2, DM3, DM4, DM25, DM27, DM30

Parking Standards Design and Good Practice (2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide

RECOMMENDATION: APPROVE

Officer Note: A commencement condition is not necessary as commencement (as defined by Section 56 (4) of The Town and Country Planning Act has already taken place)

Conditions:

- 1 The development shall be undertaken in accordance with plan references H301/25 (Proposed Landscaping Plan), H 301/11 Rev A (Location and Site Plan), (as granted by the previous consent) and plan references H 301/101 (3 D views) and H 301/29 (Proposed Elevation Plans) (submitted as part of this current application).

REASON: In order to ensure that the development harmonises with the character and appearance of the existing building, in the interests of visual amenity.

- 2 Notwithstanding the material finish shown by the previously approved plans referenced H 301/12 and H 301/13 now replaced by revised plan reference H301/29 the floor areas of the 2 dwellings approved shall be in accordance with the floor plan details shown on the previously approved plan reference H 301/12 (Plot 1) and H 301/13 (Plot 2).

REASON: To ensure clarity that the floor space of both dwellings remain the same as those previously approved which are not change by this section 73 approval.

- 3 Prior to occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. 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.

- 4 Prior to first occupation of the development, the existing vehicle access for Plot 1 shall be widened to align with the vehicle parking layout as shown in planning drawing H301/11 Rev A. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.

- 5 Prior to first occupation of the development and as shown in principle on planning drawing H301/11 Rev A, the proposed new vehicular access for Plot 2 shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway with a minimum width not less than 3 metres.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the highway in the interests of highway safety.

- 6 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.

- 7 Prior to first occupation of the development and as shown in principle on planning drawing H301/11 Rev A, each dwelling shall be provided with two off-street parking spaces, which shall each measure the required dimensions in accordance with current parking standards. The vehicle parking areas 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.

8. 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.

9. 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.

- 10 Notwithstanding the details of plan reference H 301/29 (Proposed Elevations both dwellings (Plot 1 and 2) shall comprise of fenestration which is finished in Agate Grey colour. Prior to their first installation details of the construction and specification of all fenestration shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To ensure a consistent approach to fenestration design and finish in the interest of visual amenity in compliance with policy DM1 of the council's Development Management Plan and Supplementary Planning Document SPD 2 and Paragraph 135 of the National Planning Policy Framework 2023.

The local Ward Member(s) for the above application are Cllr N Booth
Cllr Mrs C Mason Cllr Mrs J R Gooding

Application No :	23/00978/FUL Zoning : Residential
Case Officer	Mr Richard Kilbourne
Parish :	Canewdon Parish Council
Ward :	Roche North And Rural
Location :	1 Chestnut Path Canewdon Essex
Proposal :	Change of use of land to residential garden including erection of fence and construction of vehicular crossover to form parking space

SITE AND PROPOSAL

1. The existing street scene consists predominantly of detached two storey dwellings that were mostly all identical in design when first erected. Some properties have had rear extensions in the form of conservatories. Chestnut Path is not a vehicular highway and is only used by pedestrians. The houses fronting Chestnut Path have vehicular access off Church Green to the rear.
2. To the rear of the 7no. properties on the northern portion of Chestnut Path (No.1 to No.7) is Church Green. Church Green is a small cul-de-sac that has series of semi-detached and terraced dwellings. The application dwelling sits in between Chestnut Path and Church Green and is the last property on the western side of Church Green although its front elevation faces Sycamore Way.
3. According to the submitted planning application forms/plans the proposal is for change of use of land to residential garden including erection of fence and construction of vehicular crossover to form parking space at 1 Chestnut Path, Canewdon.

RELEVANT PLANNING HISTORY

4. Application No. 19/00438/FUL - Change of use of land and enclose with fence to extend garden – Approved - 03.06.2020

MATERIAL PLANNING CONSIDERATIONS

5. 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.

6. 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).

Design and Impact upon Character of the Streetscene

7. Paragraph 126 of the NPPF states the creation of high quality, beautiful and sustainable buildings and places are 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.
8. Paragraph 135 of the NPPF discusses that planning policies and decisions should ensure that development complies with a number of factors including;
 - 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) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) 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.
9. The importance of Paragraph 135 is emphasised by the governments “Building for a Healthy Life – a design toolkit for neighbourhoods, streets, homes and public spaces” which underlines the importance of green open spaces which are viable within and relate well to the community. Paragraph 133 of the NPPF outlines that local planning authorities should ensure they make appropriate use of tools such as Building for a Healthy Life for assessing and improving the design of development.

10. Supplementary Planning Document (2) – Housing Design lays out that grass verges and amenity areas do contribute to the character and appearance of housing estates and are intended for public benefit. It is considered that such areas are better retained as open areas with soft landscaping, but there may be occasions when the enclosure into an adjacent private garden is acceptable, particularly where there is a history of neglect.
11. The SPD goes on to enunciate that grass verges and open amenity areas were usually intended to be an integral part of estate design and layout. Where such areas continue to make an important contribution in this respect and where neglect is not a problem the Local Planning Authority will prefer to see their retention rather than enclosure into an adjacent private garden. Enclosure in these cases can result in a significant change in the overall design, layout and symmetry of an estate or locality to the detriment of the amenity of all the residents.
12. The case officer observed that the applicants property is a relatively large two storey detached property constructed out of facing brick under a concrete tile roof. The properties on Chestnut Path are all staggered and are at a 45° angle, with the front elevation fronting onto Chestnut Path, with vehicular access to the rear of the properties off Church Green. Given how the layout of the estate was conceived there is the perception of an open plan ‘feel’ and the green spaces form an intrinsic component of the overall design.
13. The case officer noted that located at the side of the applicant’s property was an area of green space, which also wrapped around the front of the applicants dwellinghouse. It was observed that the grass forming the green space was neatly cut and there was no signs of neglect or detritus, and as such was quite pleasing on the eye. This area of green space at the side of the applicant’s property is the subject of this application. It is noted that the topography of the surrounding land is relatively flat and the surrounding land use in the immediate locality is entirely residential in nature. Located to the south and west of the applicants property are extensive tracts of green space. Of particular note, on the opposite side of the road is the village Green. Whilst immediately to the north of the application site (on the opposite side of Church Green) is a similar sized area of green space adjacent to Whitegates.
14. According to application reference 19/00438/FUL the applicants have already increased the size of their residential curtilage by erecting a 1.8m high fence around a proportion of the aforementioned green space (approx. 45m²). During the determination of this application, it was considered that enclosing this section of land did not detract from the visual quality of the space or devalue its contribution to the neighbourhood. This was because the fence which had been erected

was well set back from the public highway and a significant proportion of green space was retained in-situ, which helped to alleviate the injurious effects the proposal would have otherwise.

15. According to the submitted plans the applicant is proposing to change of use of land to residential garden by erecting a fence and constructing a vehicular crossover to form a parking space. In order to delineate the boundary of the site which lies immediately to the north west of the applicants property, the applicant is proposing to erect a 1.8m high (approx.) close boarded timber fence which will be placed upon gravel boards (apart from the north eastern aspect (rear) which will be left open forming the vehicular crossover). The proposed fence (for the most part) would follow the curvature of the footpath and measure approximately 16m in length. In accordance with the submitted plans the amount of private amenity space which will be created by the proposal is roughly 52m².
16. The site constitutes a highly prominent position within the wider streetscene particularly as one drives up/down Sycamore Way. The green space is an integral design component of the layout of these properties, and it plays an important role of maintaining an open area within the vicinity of the wider development. In the opinion of the case officer the layout of these properties was conceived with an open frontage and tracts of green space in mind, with the building line set back from Chestnut Path and Sycamore Way and the green space acting as a buffer, which helps to soften and minimize the impact of the properties and helps to create a sense of spaciousness. The case officer considers that the green space helps to break up the monotony of the built environ and as such the area makes an important contribution to the wider streetscene.
17. It is considered that the erection of the boundary fence undermines the principles of good design. The proposed boundary treatment so close to the public highway would form a hard boundary treatment undermining the design rationale as originally perceived. The case officer notes that the applicant has private amenity space located at the side/rear of their property, which measures roughly 220m² (which includes the land already granted change of use under application 19/00438/FUL), which is commensurate with other properties in the locality (if not substantially larger). Consequently, the applicant has an existing amenity space as it was originally contrived and is not reliant on this adjacent green space and use for their private amenity space. The area of land subject of this proposed use is an unnecessary adjunct for which no justification in planning policy term exists.
18. In conclusion, on the acceptability of the development, the use of the green space as private amenity space in addition to the fence which facilitates this use, both elements are considered unacceptable. If the

proposal is allowed, it would enclose an area of green space adjacent to the property which was allocated as open space when the estate was built and should remain open for the enjoyment of the public and residents. Furthermore, it is considered that the material impact of the proposed fence which will accommodate the garden use is considered unacceptable at this prominent location within the street scene as it closes and shuts out the open frontage which is a characteristic feature of the street scene within this location. It is considered that the proposed development given its extent, height, position and proximity to the highway constitutes a visually discordant and overbearing feature at this particular location which is considered significantly harmful the visual amenity of the street.

19. Moreover, in the opinion of the case officer the painting the fence in a muted tone to camouflage the proposal in an attempt to make it appear less conspicuous and more subdued would not address the harm. However, given its height, extent and position etc. the proposal even if painted will still appear stark and will not lessen the harm which would be created by the scale and form of the structure. The development is considered therefore to conflict with Chapter 12 of the National Planning Policy Framework and Policy Rochford Council's Local Development Framework Development Management Plan policy DM1.

Impact on Residential Amenity

20. 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.
21. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which have already taken place (if retrospective) or will arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
22. The change of use to a domestic garden would be appropriate for the residential area and would not give rise to a degree of noise or disturbance that would be out of character for the context of the area. Additionally, the enclosure of the green space would not give rise to a

significant overlooking or overshadowing impact upon neighbouring properties. In the opinion of the case officer the proposal would be considered to comply with policy DM1 relative to its impact upon neighbouring properties. However, this does not outweigh the concerns cited earlier in this report.

Highway Safety

23. Policy DM1 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.
24. In accordance with paragraph 115 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.
25. The site is the first dwelling on Chestnut Path, the surrounding areas adjacent to the highway are open and verdant. The dwelling faces Sycamore Way, with a garage and driveway accessed from Church Green. As previously stated, an earlier application extended the garden to the northwest and a 2-metre-high fence was constructed to enclose the garden area. This current proposal includes an additional extension to the garden area further to the northwest and creation of a parking space and new vehicle access. The area of land that is the subject of the proposal, is currently an open grass verge close to the junction. The proposal will enclose this land with a 2-metre-high fence.
26. According to colleagues in Essex County Council Highways Church Green and Sycamore Way are both unclassified roads on this residential estate. The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that, amongst others - proposals will not create a significant potential risk or be detrimental to the safety of the highway network. The area around the junction is open and unobstructed and includes highway land and wide grass verges. The proposed fence will be constructed adjacent to the highway footway on Sycamore Way, consequently the fence will obstruct the visibility splays from the adjacent junction of Church Green and Sycamore Way. Visibility splays are for the safety of all highway users and they must be kept clear and unobstructed for that purpose.

27. The Highways Engineers conclude that as far as can be determined from the submitted information, the proposed fence would obstruct the vehicular visibility splays at the adjacent junction of Church Green and Sycamore Way and will result in an unacceptable degree of hazard to all road users to the detriment of highway safety. Furthermore, the proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users. The proposal is therefore contrary to policy DM1 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
28. There is no reason for the Local Planning Authority to take an alternative view and it is considered that the proposal will have obstruct visibility splays resulting in a detrimental impact to highway safety.
29. Upon reading the Highway Officers comments the applicant submitted a representation stating that the proposal doesn't impinge or obstruct the visibility splays and they spoke to and showed the proposal to colleagues in the Highways Department. These colleagues inferred that the proposal complies with the requisite guidance. The case officer has passed these comments over to the Highway Engineer and she maintains that the proposal will have obstruct the visibility splays and as such be detrimental to highway safety. The case officer attaches significant weight to this consultation response and this will form an additional reason for refusal.

Trees

30. Policy DM25 of the of the Development Management Plan 2014 states that:

'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.'

'Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'

31. When the case officer conducted his site visit, he noted that there were no trees located on or adjacent to the site that would be impacted by the proposal.

Ecology considerations

32. Chapter 15 of The National Planning Policy Framework - Conserving and enhancing the natural environment indicates the importance of avoiding impacts on protected species and their natural habitats. Where impact is considered to occur appropriate mitigation to offset the identified harm is required. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
33. When the case officer conducted his site visit, he noted that the subject site was principally covered in grass, which had been maintained. Therefore, given the nature of the site and the surrounding environment it is not considered that a preliminary ecological survey is required and there is no cause to consider that any protected species would be affected by this development.

CONCLUSION

34. Refuse

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council: Objects to this proposal for highway safety and visual amenity reasons. The fence has already been relocated from its original position and causes loss of visibility for traffic using Sycamore Way and particularly the junction with Church Green. Furthermore, an additional vehicular access, in such close proximity to the junction is considered will exacerbate an existing unacceptable situation. The realigned fence also detracts from the original open aspect of the junction, to the detriment of visual amenity.

Highways: From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

- As far as can be determined from the submitted information, the proposed fence would obstruct the vehicular visibility splays at the adjacent junction of Church Green and Sycamore Way and will result in an unacceptable degree of hazard to all road users to the detriment of highway safety.
- The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users

Neighbours: 2 responses from the following addresses;

Church Green: 25

- It looks like the fence will go round the whole edge of the grass area. Already it can be hard to see what traffic is coming. If the fence goes further forward to the edge of the road, then you will no longer be able to see traffic causing danger.
- Also, where is this new parking area. The owner often is working on cars and the back of the property. Will this then be taking place to the front?

Chestnut Path: 1 (the applicant in support of the proposal)

- The proposal does not impinge or obstruct the visibility splays.

Relevant Development Plan Policies:

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) Policy CP1

Development Management Plan (December 2014) Policy DM1, DM3, DM25, DM27 and 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: REFUSE

1. In the opinion of the Local Planning Authority the application site is located in a highly prominent position adjacent to the junction of Church Green and Sycamore Way. The erection of the fence and enclosure of the green space to use in association with the residential use of No. 1 Chestnut Path, would have an injurious impact upon visual amenity.

The green space contributes to the visual character and appearance of the street scene and the purpose of the green space for public benefit would be lost by the proposed scheme. It is considered that the loss of this green space would conflict with the open plan nature of the area. The grass verge contributes to the existing quality of the place by offering soft landscaping to an otherwise dense residential area. The proposal has failed to appreciate the significance that the verge holds to the design and quality of the place. As such, the proposal would lie contrary to the NPPF, SPD(2) and part (x) of Policy DM1 of the Council's Development Management Plan.

2. In the opinion of the Local Planning Authority the proposed fence would obstruct the vehicular visibility splays at the adjacent junction of Church Green and Sycamore Way and will result in an unacceptable degree of hazard to all road users to the detriment of highway safety. Furthermore, the proposal if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users. In the light of this the proposed development would result in additional highway danger. As such, the proposal would lie contrary to guidance advocated within the NPPF and policy DM1 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

The local Ward Member(s) for the above application are Cllr S Wootton
Cllr I A Foster Cllr Mrs L Shaw