



PLANNING APPLICATIONS WEEKLY LIST NO.1780
Week Ending 24th October 2025

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 27th November 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **29th October 2025** 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 Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Glossary of suffix's:-

Outline application (OUT), Full planning permission (FUL), Approval of Reserved Matters (REM), S106 legal obligation modification (OBL), Planning in Principle (PRINCI), Advertisement Consent (ADV), Listed Building Consent (LBC).

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- 1. Recommended Refuse – 25/00455/FUL - Yard at Apthorpe
St Johns Drive Rayleigh PAGES 2-34
- 2. Recommend Refuse – 25/00618/FUL – Land Rear of 4 Mortimer Road
Rayleigh PAGES 35-61

Application No :	25/00455/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Yard At Apthorpe St Johns Drive Rayleigh
Proposal :	Remove existing concrete base and change of use from a commercial storage yard to residential use involving construction of sustainable single storey bungalow, garages and car port, permeable stone drive way and new residential garden with hedgerows to perimeter.

SITE AND PROPOSAL

1. The site is located on the outskirts of Rayleigh, close to the A129 and a to the A1245. Access is gained via St. John's Drive, situated approximately 50 metres from the roundabout that connects the A129 and A1245. St. John's Drive and its surroundings fall within the Metropolitan Green Belt.
2. Properties along St John's Drive are intermittently spaced and consist mainly of bungalows and chalet-style homes with traditional tiled roofs, combining brickwork and rendered finishes. The drive also accommodates several horse paddocks and stables.
3. The proposed development site lies at the end of St John's Drive, within the curtilage of Apthorpe. The commercial area occupies the northeast corner, enclosed by woodland to the north and east, and by brick walls to the south and west. It comprises a fully concreted yard used for storing mechanical equipment, building materials, and concrete manufacturing plant, together with a number of storage sheds and containers.
4. Apthorpe, the adjoining property, is a chalet-style dwelling with a pitched slate-style tiled roof, rear dormers, and single-storey extensions to the rear and sides. The property also features an attached car lodge, external parking, and dual access from both St John's Drive and Beke Hall Chase South.
5. The proposal is for the removal of the existing concrete base and change of use from a commercial storage yard to residential use involving construction of sustainable single storey bungalow, garages and car port, permeable stone drive way and new residential garden with hedgerows to perimeter at Yard at Apthorpe St Johns Drive, Rayleigh.

RELEVANT PLANNING HISTORY

6. No relevant planning history

MATERIAL PLANNING CONSIDERATIONS

7. 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.
8. 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).

Green Belt considerations

9. The latest version of the National Planning Policy Framework ('the Framework') was recently revised in December 2024 and further amended in February 2025. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.
10. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11. Both policies GB1 and GB2 of the Council's Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the Framework which would also be a material consideration.

Assessment

12. The Council's GIS database confirms that the application site lies wholly within the Metropolitan Green Belt, where national policy attaches substantial weight to safeguarding openness and preventing urban sprawl. Ordinarily, development in the Green Belt is considered inappropriate unless it meets one of the recognised exceptions. However, the applicant contends that the site is properly regarded as "Grey Belt" land.
13. Grey Belt is not a separate designation but rather a subset of the Green Belt, recognised in the revised National Planning Policy Framework (NPPF). It applies where land is previously developed and/or makes only a weak contribution to the Green Belt purposes of checking unrestricted sprawl, preventing the merging of towns, and preserving the setting of historic towns (as set out in paragraph 143 of the Framework criteria a), b) and d)). Where land falls within this category, the policy approach is more flexible, acknowledging that some parts of the Green Belt do not perform equally against its strategic purposes.
14. The NPPF defines previously developed land (PDL) as *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"*.

15. The application site encompasses a commercial yard that consists of a fully paved concrete hardstanding, extending across the entire site area, and additional portions of compacted hardcore. This hardstanding is utilized for the storage of mechanical equipment, building materials, and concrete manufacturing machinery, making it central to the operational activities of the site. In addition to the hardstanding, the site houses various storage sheds and containers, which further support the commercial function of the premises. The surrounding hardstanding area accommodates parking, manoeuvring, and servicing, providing sufficient space for operational flexibility and access.
16. From a planning perspective, the site clearly qualifies as Previously Developed Land (PDL), a classification under the National Planning Policy Framework (NPPF). This is due to the presence of permanent, built structures and associated infrastructure, combined with its previous and ongoing commercial use. These characteristics confirm the site's status as PDL, distinct from agricultural or derelict land. Unlike such land, which may retain a more rural or unbuilt character, the site has a well-established, functional, and industrial nature. It remains fully integrated into its built environment, and its presence on the landscape cannot be considered assimilated or part of the natural topography. The continued use and structural elements affirm the site's developed status, reinforcing the argument against categorizing it as land capable of reverting to a more natural or rural character.
17. In terms of its surrounding context, the site is bordered to the west by Apthorne, a large detached residential property, which introduces a degree of sensitivity to any proposed development, given the potential for impact on the residential amenity. To the north, the site is adjacent to open fields, with St John's Cottage, a residential property, situated approximately 38m further to the north. These relationships suggest that while the site is not immediately adjacent to other residential properties, there may still be concerns regarding potential visual and noise impacts, particularly from the operational aspects of the site.
18. To the east and south, the site is bounded by open fields, which further isolate the site from dense residential development but also highlight its relatively exposed position in the landscape. This open context offers potential for any future development to be carefully managed to ensure minimal intrusion into the rural character of the surrounding land.
19. The subject site, as indicated by site plan, measures approximately 1,827m². This area provides a clear indication of the size of the site in relation to its surrounding context, with its compacted nature supporting industrial functions, though also presenting constraints for large-scale expansion without further impact on the site's immediate surroundings.

20. Overall, while the site's classification as PDL and its existing commercial use provide a robust basis for development, careful consideration of its surrounding context - particularly its proximity to residential properties and open fields - will be crucial in ensuring that any proposed changes do not result in undue harm to the residential amenity or the rural landscape.
21. To assess whether the site qualifies as Grey Belt land under the NPPF (2024), it is essential to evaluate the proposal against the core purposes of the Green Belt. While the NPPF outlines five purposes for Green Belt land, only three are directly applicable to the Grey Belt assessment, which are: checking sprawl, preventing town merging, and preserving the setting of historic towns.
22. As previously stated, Grey Belt land typically refers to land within the Green Belt that has been degraded or fragmented, often due to past development, and no longer performs its original Green Belt functions effectively. It is already acknowledged that the site in question constitutes PDL, which already reduces its role in fulfilling some of these purposes. Below is an evaluation of the site's characteristics in relation to these factors.
23. One of the key purposes of the Green Belt is to prevent urban sprawl, ensuring that urban areas do not expand uncontrollably into the surrounding countryside. The site is currently used for commercial operations, including the storage of mechanical equipment and building materials. As PDL, it has already been developed and altered from its natural state, meaning it no longer serves the same open or undeveloped function as more typical Green Belt land.
24. The site is not contiguous with the urban edge and does not form part of a ribbon type development, rather it is situated in a relatively isolated position, surrounded by intermittent residential development. Its current use for commercial purposes means it is already a part of the built environment. Redeveloping the site for residential purposes would not represent the outward spread of urban development into open countryside. In fact, replacing the existing commercial operations with a residential property could result in a less intrusive use, reducing the intensity of the land's current commercial activity. This would not undermine the Green Belt's function in checking sprawl, as the site is already developed and separated from the urban edge.
25. Another fundamental objective of the Green Belt is to prevent the merging of neighbouring towns, ensuring clear physical and perceptual separation between settlements. The site is not located within a critical gap between towns or villages, and it does not play a significant role in maintaining settlement separation.

26. The site is surrounded by sporadic residential development and is not in a position that would compromise the spatial integrity between neighbouring settlements. Redevelopment of the site would not lead to the merging of towns or reduce the separation between settlements. It is located in an area where development would not affect the physical or visual gap between urban areas. As such, the site does not contribute to preventing town merging, further supporting its classification as Grey Belt land.
27. The Green Belt also serves to preserve the setting of historic towns, ensuring that their visual and functional relationships with the surrounding countryside are maintained. The site in question is visually and functionally detached from any historic towns. It is not part of the open landscape that contributes to the setting of nearby towns or their historic character. The site is located at a considerable distance from any designated historic towns, and its current or proposed use would not affect their setting.
28. If redeveloped for residential purposes, the site would not alter the visual or physical backdrop of any historic towns, nor would it interfere with any important views or vistas that contribute to their character. Therefore, the proposed development would not harm the setting of nearby historic towns, and the site does not contribute to their preservation.
29. On this analysis, the site makes no strong contribution to the relevant Green Belt purposes. Officers are satisfied that, in both physical and policy terms, the site is appropriately categorised as Grey Belt land. This classification carries material consequences. Paragraph 155 of the NPPF provides that development in the Green Belt should not be regarded as inappropriate where three criteria are satisfied: first, that the site comprises Grey Belt land and its redevelopment would not fundamentally undermine the wider purposes of the Green Belt; second, that there is a demonstrable unmet need for the form of development proposed; and third, that the site lies in a sustainable location. For major development a further test – compliance with the “Golden Rules” – is also required, though that is not relevant here as the proposal is not a major scheme.
30. Applying these criteria, it is evident that criterion one is satisfied because the site is Grey Belt and redevelopment would not harm the overall strategic function of the Green Belt in this part of the authority’s area. Criterion two is met as there is clear evidence of unmet need for the type of development proposed, as set out in the Housing Land Supply section of this report. Criterion three, relating to sustainability of the location, is addressed in detail later in this report but it is accepted in principle that the site has reasonable locational advantages. Criterion four is not engaged given the scale of the scheme.

31. For completeness, it is important to note that paragraph 155 does not require a separate assessment of impact on Green Belt openness. Footnote 55 to the Framework confirms that where development falls within the scope of paragraph 155, it should not be regarded as harmful to openness. Accordingly, the proposal is not inappropriate development in the Green Belt and there is no requirement to demonstrate that the proposal complies with any of the exceptions specified in paragraph 154.
32. In conclusion, the site's status as PDL, its weak contribution to the primary Green Belt purposes, and its classification as Grey Belt together justify a more flexible approach under the Framework. Redevelopment of the site meets the policy tests of paragraph 155, and the proposal should therefore not be considered inappropriate development within the Green Belt.

Sustainability

33. The Council's Policy DM10 (Development of Previously Developed Land in the Green Belt) elaborates on the Council's approach to the determination of planning applications involving previously developed land for a number of uses and including residential redevelopment.
34. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:
- (i) is well related to a defined residential settlement;
 - (ii) is well related to local services and facilities;
 - (iii) has good connections to the strategic road network;
 - (iv) would promote sustainable transport modes;
 - (v) would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment;
 - (vi) is located within the South Essex Coastal Towns landscape character area.
35. In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. It is noted that the application site lies in close proximity to defined residential settlement, which is situated approximately 280m east. The subject site is located approx. 1400m east from Our Lady of Ransom Catholic Primary School and roughly 1300m from a BP garage which also contains a convenience shop, and while these are beyond the example 800m, it is noted that this example is cited as a guide rather than an explicit policy provision.

36. In respect of connections to the road network, the subject site benefits from good highway connections the surrounding roads are relatively level and cycling is potential mode of transportation. Furthermore, the urban conurbation of Rayleigh is within easy commute.
37. The site is not located within an area of international, European and local nature conservation importance, or the South Essex Coastal Towns landscape character area, and would not negatively impact the historic environment.

Housing Land Supply

38. Rochford District Council is presently unable to demonstrate a full five-year supply of deliverable housing sites, as required by the NPPF. The submitted proposal seeks the removal of the existing concrete base and change of use from a commercial storage yard to residential use, which involves the construction of a detached residential dwellinghouse. According to the Council's most recent Annual Monitoring Report, the Authority's five-year housing land supply stands at 4.53 years. This shortfall confirms that, in general, the Council cannot currently demonstrate a complete five-year supply of deliverable housing land.
39. Despite the above, it is critical to note that the application site is located entirely within the Green Belt, as identified on the Council's GIS database. The NPPF (Chapter 13) establishes that the Green Belt enjoys a high level of protection, with the construction of new buildings generally regarded as inappropriate unless very special circumstances exist. Where development is proposed within the Green Belt, paragraph 11(d)(i) of the NPPF explicitly states that the presumption in favour of sustainable development—the so-called 'tilted balance' - is disapplied where policies protecting areas of particular importance provide a clear reason for refusal.
40. As a result, notwithstanding the Council's current five-year housing land supply shortfall, the application of the tilted balance is precluded in this instance due to the site's Green Belt designation. Any planning assessment of the proposal must therefore be undertaken primarily against the development plan and relevant Green Belt policy, with the presumption in favour of sustainable development not engaged. This ensures that the decision-making process accords with the hierarchy of policy protection afforded to Green Belt land under the NPPF. It is acknowledged that the need for housing and the Council's failure to meet the need is a significant material planning consideration.

Design

41. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. Moreover, 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 the existing street patterns, density and character of the locality. The framework 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. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
42. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
43. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
44. The Council's 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 wall of habitable rooms and the plot boundary.

45. The National Planning Policy Framework (NPPF) establishes that achieving high-quality, contextually sensitive design is central to sustainable development. Furthermore, the NPPF stresses that planning decisions should ensure housing schemes are visually attractive, sympathetic to local character, and function well over their lifetime. The Framework makes clear that planning permission should be refused for development of poor design, but equally it confirms that proposals which comply with these principles should be supported.
46. The surrounding vernacular has a largely pastoral view which is punctuated at sporadic and intermittent intervals by a variety of housing types which includes bungalows and chalet type bungalows some of which incorporate projecting gables. Furthermore, the roofscape is predominately gable in form, although some of the properties do have hipped roofed outriggers. A rich palette of materials has been used to construct these neighbouring properties including render, facing brick (of various colours and textures), cladding under concrete tile roofs.
47. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
48. The Council's Supplementary Planning Document 2 (SPD2) for housing design sets out specific guidelines for infill developments, including minimum site frontages of 9.25m for detached dwellings and 15.25m for semi-detached pairs. These requirements ensure that new developments respect the prevailing character of the area. In cases where these specific dimensions may not be feasible, the frontage and layout must still be compatible with the surrounding built environment. The proposal is designed to comply with these guidelines, with the submitted plans clearly showing that the proposed dwelling meets the minimum frontage requirements and aligns with the form and character of the locality. Additionally, the requirement for at least 1m between the outer wall of habitable rooms and the plot boundary is adhered to, ensuring that there is adequate spacing for privacy, light, and air circulation.
49. The proposed development can comfortably be accommodated within the site. The plot is sufficiently large to ensure that the new dwelling will not result in a cramped or overdeveloped feel. The proposed dwellinghouse, with its planned setbacks and positioning, would be consistent with the character of surrounding residential properties. The spacing between the proposed dwelling and the site boundaries has been carefully considered to ensure that it maintains a sense of openness and does not create any detrimental visual or physical impacts. The dwelling would be well-proportioned to the plot size, and its overall density would be in keeping with the character of the area, in compliance with Policy H1 of the Core Strategy, which encourages well-designed residential development that integrate well with their surroundings.

50. According to plan reference 24-010-003 Revision A (Proposed Block Plan), the proposed dwelling will be centrally located on the plot. The dwelling would be set 13m from the northern boundary, providing a significant buffer from the adjacent PRow. The western boundary setback would be 2.8m, tapering down to 1.3m, consistent with the existing spatial arrangement and ensures that the dwelling does not dominate or overshadow adjacent properties, particularly Apthorpe to the west. The 14m setback from the southern boundary and the 1.4m distance from the eastern boundary further reflect a thoughtful approach to ensuring the dwelling maintains an appropriate relationship with surrounding properties, both in terms of space and privacy.
51. The dwelling is to be built on the existing concrete hardstanding, which will be cleared to accommodate the new construction. This approach not only ensures minimal disruption to the surrounding area but also makes use of previously developed land, which is in line with sustainability objectives. The proposed dwelling will face PRow Rawreth No.22, maintaining the open nature of the space in front of the site and ensuring that the development does not obscure important public views or access routes. The proposed layout also positions the dwelling's flank elevation facing the flank elevation of Apthorpe, a large detached property to the west. While the new dwelling will be set slightly further forward in the plot than Apthorpe, by approximately 4m, this arrangement ensures that the proposed dwelling would not intrude on the private amenity of occupiers to Apthorpe. The forward positioning of the dwelling reflects a common design approach in the area and is not expected to lead to any significant overbearing effects or overlooking.
52. The proposed development includes an area of hardstanding at the front of the property, which provides parking for several vehicles, addressing the parking needs for the household. In addition, a triple car garage and carport are planned for the eastern side of the property, offering ample off-road parking while minimizing the visual impact of parked vehicles. The provision of sufficient parking spaces ensures that the development does not contribute to on-street parking problems, which can often be a concern in residential areas with limited space.
53. The plot's size and layout are sufficient to accommodate a detached dwelling without creating a sense of overdevelopment. The arrangement ensures adequate spacing between the proposed dwelling and neighbouring properties, which is consistent with the character of the surrounding area and the spatial patterns of existing homes. The proposed development respects the existing street scene and avoids creating a cramped or overbearing form of development. The layout and siting of the dwelling allow for adequate privacy, light, and air for both the proposed and neighbouring properties, whilst also ensuring that the proposal would not result in any adverse impacts on the amenity of adjacent homes

54. The proposed dwelling features a well-considered L-shaped footprint, measuring approximately 20.5m in depth and 18.9m in width at its maximum. It is considered that the building sits comfortably within the surrounding context. With a ridge height of approximately 6.3m and an eaves height of 2.7m, the proposed dwelling would be in keeping with the prevailing heights of surrounding properties. The proportions are such that the new build will not be visually overpowering or dominate the skyline. The height and scale have been carefully calibrated to blend harmoniously with its neighbours, ensuring that it remains unobtrusive from both nearby residential properties and public vantage points.
55. The architectural approach places significant emphasis on the articulation of the built form. A striking feature of the front elevation is the projecting central gable, which serves as the focal point of the design. This element incorporates a double personnel door, framed by glazed panels with triangular detailing above. This combination of glazing and solid form not only allows for the entrance to become a visual anchor of the façade but also enhances the building's transparency and connection to the outside.
56. The grey stone brick feature wall surrounding this area provides an element of texture and visual contrast, lending a tactile quality to the façade. The use of glazed panels on either side of the gable further softens the front elevation, allowing for light penetration and a greater sense of openness. The front porch element, with its triangular detailing, is modern and bold, yet balanced by the more traditional use of materials like stone and glazing. This results in a design that is both contemporary and responsive to the local architectural vernacular.
57. Flanking the central gable, two large windows on either side of the porch provide balance and help break up the mass of the façade. These windows are carefully positioned to create symmetry, contributing to the overall harmony of the design. The choice of large windows complements the overall design ethos by maintaining a strong connection to the exterior environment, while the use of horizontal elements contributes to a rhythm that is both modern and rooted in traditional proportions. This approach prevents the dwelling from feeling too oppressive and ensures that it retains a sense of openness.
58. On the southern elevation, a similar projecting gable element mirrors the form of the front elevation. This repetition in form creates a coherent visual dialogue across the structure, while also introducing a small recessed area in the design, which offers an additional layer of depth. The ridge of the two projecting gables are set slightly lower than that of the main roof ridge, creating subtle variation and ensuring the building maintains a well-proportioned silhouette when viewed from different angles. The French doors on this elevation, flanked by glazed panels, add to the openness and transparency of the design, providing access to the rear of the property while framing views of the garden.

The triangular element above the French doors ties back to the triangular detailing found on the front elevation, reinforcing the coherence of the design.

59. A distinctive feature of this elevation is the inclusion of fixed louvered shading in anthracite grey, which matches the hue of the windows and doors, further enhancing the modern aesthetic. This shading feature not only adds visual interest but also offers functional benefits by controlling light and reducing solar gain. The grey stone brick chimney stack, positioned adjacent to the projecting gable, integrates seamlessly with the overall material palette and adds an element of architectural interest that is both functional and decorative. In addition to this, the inclusion of bi-folding doors on this elevation provide further variation, breaking up the mass of the structure and contributing to a dynamic, well-balanced façade.
60. The west-facing elevation of the dwelling is more restrained but still incorporates design features that prevent the elevation from feeling flat or unarticulated. Two small apertures are positioned on this side to provide natural light to internal rooms, while a set of bi-fold doors with triangular detailing above ensures that the façade remains interesting and avoids a stark, monolithic appearance. This design ensures that the west elevation is in proportion with the overall building and doesn't feel overwhelming, even though it is less prominent than the other elevations.
61. On the eastern elevation, the proposed triple garage and open-faced carport are physically attached to the western flank of the dwelling, helping to break up the overall massing and creating a more varied silhouette. The garage structure is relatively modest in height, with 2.7m eaves and 5.7m at the ridge apex, and spans 13m in length and 7m in width. The differentiation in roof heights between the garage and the main dwelling ensures that the bulk of the development is broken up, reducing the perception of mass. The inclusion of three roller shutter garage doors on the front elevation, with two additional doors on the opposing side, allows for easy access to the garage bays from both the front and rear of the property. This provides convenient access to the private amenity space at the rear while maintaining a functional yet unobtrusive design for the garage area.

62. While the design may not introduce entirely innovative architectural language, it is, nonetheless, robust, contextually sensitive, and reflective of the local architectural identity. The choice of materials - render, grey stone brick, concrete roof tiles, and anthracite uPVC windows and doors - ensures that the building fits seamlessly into its environment while maintaining a distinct and modern aesthetic. The design avoids both excessive ornamentation and pastiche, ensuring that it would not replicate historical styles in an inauthentic manner. Instead, it thoughtfully draws from traditional elements, combining them with modern materials and detailing to create a building that feels both contemporary and rooted in its context.
63. The site layout further reinforces the appropriateness of the design. The allocation of on-site parking at the front of the property, alongside generous private amenity space at the rear, ensures that the dwelling will be well-served without leading to overdevelopment. The plot's size allows for soft landscaping and tree planting, which will help to integrate the building into its setting, soften its appearance, and provide ecological benefits. The overall plot size and design approach ensures that the dwelling does not feel cramped or out of place in the wider context, contributing positively to the residential character of the area.
64. Overall, the proposed design demonstrates a careful, context-aware approach that strikes a balance between modernity and traditional form. It is both visually appealing and functional, ensuring it integrates smoothly into its environment while maintaining a distinct contemporary identity. This approach demonstrates a clear understanding of the local architectural context and provides a robust foundation for a successful residential development.
65. Internally the proposed accommodation comprises open kitchen/lounge, utility, plant cupboard, cloakroom, linen cupboard, bathroom, 2No. bedrooms (one incorporating walk in wardrobe and en-suite, w.c., hall, snug and study.
66. When assessed against the relevant design policies – including Local Plan Policy DM1, SPD2, the Essex Design Guide, and the Framework – the proposal is found to be compliant. It demonstrates adherence to design principles including scale, massing, articulation, material compatibility, spatial quality, and contextual sensitivity.
67. While the design is modest and not architecturally distinctive, it does not need to be so in order to meet the test of good design. The NPPF supports development that is sympathetic to local character without necessarily replicating it, and the proposed dwelling achieves this balance.

68. The proposed development constitutes well-designed, contextually appropriate addition to St. Johns Drive. They maintain the character of the surrounding area, delivering an acceptable standard of accommodation, and avoids harmful impacts in terms of visual amenity or townscape coherence. Therefore, from a design and visual impact perspective, the proposal is compliant with both national and local planning policy.

Impact on Residential Amenity

69. Paragraph 135(f) of the National Planning Policy Framework (NPPF) establishes the principle that developments should contribute to the creation of safe, inclusive, and accessible environments that promote health and well-being, while also achieving a high standard of amenity for existing and future users. This principle is embedded within local policy, notably Policy DM1, which requires proposals to safeguard the amenity of neighbouring occupiers by avoiding undue overlooking, maintaining adequate privacy, and promoting a positive visual relationship between new and existing built form. Policy DM3 further reinforces this by requiring a robust assessment of the potential impact of development on residential amenity, encompassing considerations such as daylight, outlook, noise, and visual dominance.
70. The concept of residential amenity encompasses a range of environmental and experiential conditions that residents can reasonably expect to enjoy daily. In evaluating any planning application, the LPA is required to assess whether the proposed development would give rise to demonstrable and unacceptable harm to the living conditions of neighbouring occupiers. Such harm may manifest in the form of loss of privacy through overlooking, reduction in daylight or sunlight, or the creation of a visually overbearing built form that diminishes the quality of the residential environment.
71. In this case, the proposed erection of a single detached dwelling is not considered likely to generate adverse environmental impacts in terms of noise, air quality, or water pollution. These are not identified as material concerns in relation to the nature and scale of the proposed use, which is residential in character and compatible with the surrounding context.
72. A critical aspect of this assessment is the extent to which the proposed development could potentially impact the amenity of nearby residential properties. The proposal, as depicted in the submitted plan (Plan Ref: 24-010-001A), involves the construction of a dwelling with its primary elevation facing the Public Right of Way (PRoW), oriented to the north. The proposed dwelling would be set back approximately 16m from the site boundary, ensuring adequate provision for on-site parking and turning. Importantly, the front elevation features numerous apertures that serve habitable rooms, which could influence both the internal and external perceptions of the development.

73. The closest neighbouring property to the north, St. John's Cottage, is separated from the proposed development by a distance of approximately 56m. This generous spatial separation, coupled with the fact that the proposal is a single-storey structure, significantly reduces the potential for direct overlooking or overshadowing impacts. Furthermore, the design incorporates boundary treatments, both existing and proposed, which will further enhance visual screening and mitigate any adverse visual effects. The combination of these factors ensures that the proposal will not appear visually intrusive or overbearing when viewed from St. John's Cottage. In this context, it is reasonable to conclude that the development is unlikely to result in material harm to the amenity of this neighbouring property.
74. To the west of the application site lies the applicant's property, Apthorpe, a large detached single-storey dwelling. The submitted plans indicate that the flank elevation of the proposed dwelling will face the flank elevation of Apthorpe, with a separation distance of over 30m. The relative positioning of the two buildings, combined with the careful consideration of boundary treatments, will further minimize the risk of adverse amenity impacts. Given the orientation of the properties, the 30m distance between them, and the intervening boundary treatments (which can be conditioned as part of the planning approval), it is considered that the proposed development will not result in significant overshadowing, overlooking, or any material loss of privacy or outlook for the occupiers of Apthorpe.
75. No representations have been received from local residents during the consultation process, which, whilst not determinative, is a notable factor in assessing the potential impact on local amenity. The absence of objections may indicate that the proposed development is not seen as detrimental to the character of the area or the quality of life of neighbouring occupiers. This provides further reassurance that the proposal has been carefully designed with due consideration for its context and the amenity of those in the vicinity.
76. The design of the proposed dwelling has been informed by the site's context and the need to respect the residential amenity of neighbouring properties. The orientation of the dwelling, the layout of habitable spaces, the separation distances between buildings, and the strategic placement of openings on each elevation have all been carefully considered. In particular, the use of boundary treatments - both existing and proposed - will serve to provide additional visual and acoustic screening, reducing any potential negative externalities such as overlooking, loss of privacy, and visual dominance.

77. Moreover, the single-storey nature of the proposed dwelling is a key factor in ensuring that the development remains in keeping with the surrounding area and does not create any overbearing presence. The relatively low height of the building will help preserve the existing sense of space and openness, especially when viewed from neighbouring properties.
78. In conclusion, it is considered that the proposed development is appropriately designed and sited to mitigate any potential impacts on residential amenity. The application is in full compliance with the relevant policies of the Local Plan, including Policies DM1 and DM3, which seek to safeguard residential amenity and ensure that new developments do not result in adverse effects on neighbouring properties. Additionally, the development aligns with the principles set out in paragraph 135(f) of the National Planning Policy Framework (NPPF), which highlights the importance of preserving the amenity of existing residents. Based on the orientation, layout, separation distances, and proposed boundary treatments, it is concluded that the development would not lead to material harm through overlooking, overshadowing, or an overbearing presence. The proposal is, therefore, deemed acceptable in terms of its impact on residential amenity.

Living Conditions for Future Occupiers

Garden Size

79. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwellinghouse. Paragraph 135 criterion (f) of the Framework seeks the creation of 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.
80. The SPD2 requires a minimum 100m² garden area for all new dwellings. An exception to this requirement will be single storey patio housing or one- and two-bedroom dwellings which shall have an area of 50m² minimum.
81. The layout submitted shows that the proposed dwelling could be provided with private amenity space way in excess of the requirements. It is considered that amount of private amenity attributable to the proposal exceeds the requirements of policy DM3 and guidance advocated in SPD2.

Technical Housing Standards

82. The Ministerial Statement of the 25th March 2015 announced changes to the government's 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.
83. 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.
84. 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.
85. A one storey dwelling which would comprise two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m² or 70m² respectively. Additionally, the dwelling must have a minimum of 2m² of built-in storage. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. 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.
86. According to the submitted plans the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 264m², and as such in terms of overall GIA the proposal complies with the minimum specified technical standards.
87. The table below shows the Gross Internal Floor area for each of the bedrooms (all measurements are approximate).

Bedroom No.1 (Master)	30m ²
Bedroom No.2	17.8m ²

88. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the internal floor area requirements. Furthermore, it was noted that there was over 5m² of storage (including the linen cupboard and plant cupboard) and as such the proposal complies with the aforementioned guidance in relation to storage space.

89. 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.
90. 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

91. Policies DM1 and DM3 of the 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.
92. In accordance with paragraph 116 of the NPPF, 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.
93. According to the submitted Plan Reference 24-010-003 Revision A, the proposed dwelling would utilise the existing vehicular access from St. Johns Drive, which is currently shared with the neighbouring property, Apthorpe. The site layout demonstrates a substantial area of hardstanding to the front of the proposed dwelling, alongside provision for a triple garage and an open car port. This level of provision significantly exceeds the minimum requirement and is considered sufficient to accommodate at least two vehicles on-site, in accordance with adopted parking standards.
94. The proposed parking area has been designed to ensure that vehicles can enter and exit the site in a forward gear, with adequate space for turning and manoeuvring within the curtilage. This is particularly important given the shared nature of the access and the proximity of a Public Right of Way (PRoW), which runs along St. Johns Drive. The ability to safely access and egress the site without reversing onto the shared surface is a positive aspect of the proposal.

95. The application has been reviewed by Essex County Council's Highways Department, who have confirmed that St. Johns Drive is a private road that also accommodates PRow footpaths 21 and 22 (Rawreth). In their formal consultation response, the Highway Authority states:

"The proposal is located in St Johns Drive which is a private road that is shared with a Public Right of Way footpath. A minimum of two off-street parking spaces should be provided for the dwelling. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority."

96. The Highways Officer raises no objection to the development, subject to the imposition of conditions. These include: (i) the provision of secure and covered cycle parking; (ii) the requirement that public access over PRow footpaths 21 and 22 be maintained free and unobstructed at all times; and (iii) the inclusion of standard highway informatives. These matters can be satisfactorily secured through appropriately worded planning conditions in the event that permission is granted.
97. In respect of highway safety and amenity, the proposal is considered acceptable. The scale of development - comprising a single additional dwelling - is not expected to generate traffic levels that would adversely impact the local road network or result in demonstrable harm through increased noise, dust, or disturbance. The access arrangements are safe, and sufficient off-street parking is proposed to avoid displacement onto surrounding streets or conflict with users of the PRow.
98. Accordingly, the proposal is considered to comply with the Essex Parking Standards, and is consistent with the aims of Policies DM1, DM3, DM9, and DM30 of the Development Management Plan, as well as the relevant provisions of the National Planning Policy Framework (NPPF) which seek to ensure that development is appropriately served by safe and efficient access.

Drainage

99. Development on sites such as this can generally reduce the permeability of at least part of the site and changes 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

100. The proposed development comprises the construction of a single-storey, two-bedroomed residential dwelling, including an open carport and a three-car garage, on land formerly used as a service yard. This represents a change of use from commercial (less vulnerable) to residential (more vulnerable), which triggers a material change in flood vulnerability classification under the National Planning Policy Framework (NPPF).
101. The Environment Agency's Flood Map for Planning confirms that the majority of the site lies within Flood Zone 1 (lowest probability of fluvial flooding), although a portion of the northeastern boundary encroaches into Flood Zone 2, which represents a medium probability of fluvial flooding (annual probability between 1 in 100 and 1 in 1,000). Importantly, surface water flood risk mapping (RoFSW_CC dataset) identifies areas of high and medium surface water flood risk within the site, particularly affecting the driveway and garage access areas.
102. Under the NPPF and Planning Practice Guidance (PPG), new development within Flood Zones 2 or 3 is subject to the Sequential Test, with the aim of steering development towards areas of the lowest flood risk (Flood Zone 1). This is especially relevant where development involves "More Vulnerable" uses, such as residential dwellings. The test must be applied unless the site is allocated in an adopted Local Plan for the proposed use, and the allocation has already passed the Sequential Test. In this case, there is no evidence that the site has been subject to a previous Sequential Test through local policy mechanisms, nor is it allocated for residential development in the Rochford District Local Plan.
103. Given that alternative sites within Flood Zone 1 may exist in the surrounding area, the onus is on the applicant to demonstrate through a Sequential Test statement that no reasonably available lower-risk sites can accommodate a development of comparable size, type, and location requirements. This typically involves:
- Defining the functional area of search (e.g., the local settlement or housing market area),
 - Identifying and assessing alternative land parcels in Flood Zone 1 within that area,
 - Justifying why the application site is preferable (e.g., due to size, ownership, infrastructure, proximity to services, or deliverability).

104. In the absence of a formally submitted Sequential Test within the planning documentation, the proposal is currently non-compliant with Paragraphs 172 to 177 of the NPPF, which stipulate that development in areas of flood risk must satisfy the Sequential Test unless appropriately exempted. Additionally, the change of use to a more vulnerable category strengthens the case that the Sequential Test must be rigorously applied. Moreover, the Technical Guidance to the NPPF states that *“All development proposals in this zone [Flood Zone 2] should be accompanied by a flood risk assessment”*.
105. It is acknowledged that the proposed dwelling itself is located predominantly in an area of lowest fluvial flood risk, and that safe access and egress can be maintained via a dry route to the northwest. Furthermore, mitigation through finished floor levels and Sustainable Drainage Systems (SuDS) has been proposed. However, the presence of medium to high surface water flood risk zones across the access routes and parts of the site, and the fact that part of the red line boundary overlaps with Flood Zone 2, reinforces the need to apply the Sequential Test.
106. In summary, while the proposal may be technically acceptable in terms of site-specific flood risk mitigation, it remains essential to demonstrate compliance with the Sequential Test as required by national policy. Without this, the application risks refusal on flood risk grounds. It is therefore recommended that the applicant prepare and submit a Sequential Test Assessment, supported by a search of alternative sites within the defined local area, in order to satisfy the Local Planning Authority and the Environment Agency. The applicant has failed to provide the aforementioned assessment and subsequently this will form a reason for refusal.

Refuse and Waste Storage

107. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recyclate (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

Trees

108. Policy DM25 of the Council's Development Management Plan sets out the requirement for development to conserve and enhance existing trees and woodlands, particularly those of significant amenity, ecological, or cultural value. The policy gives special protection to irreplaceable features such as Ancient Woodland and mature trees, recognising their contribution not only to biodiversity, but also to visual character, landscape quality, and climate resilience.
109. The policy clearly states that development which would result in the loss or deterioration of trees will only be acceptable in exceptional circumstances — specifically, where it can be demonstrated that the need for the development clearly outweighs the value of the trees affected, and that appropriate mitigation can be delivered to compensate for any harm. In cases where loss is unavoidable, proposals are expected to secure replacement planting of equivalent value and/or area, ensuring no net loss of landscape or ecological function.
110. In this case, the application site is situated immediately adjacent to a well-established belt of mature trees along its northern and eastern boundaries. These trees are visually prominent, contribute significantly to local amenity and landscape character, and may serve an important ecological function, particularly given the predominantly hard-surfaced nature of the application site itself. Although the trees lie outside the application boundary, they are close enough to be potentially affected by development works, particularly where root systems extend beneath or across site boundaries.
111. The proposed development involves the removal of extensive areas of existing concrete surfacing, with the intention of delivering new soft landscaping and amenity space. While this is generally welcomed in principle, such works have the potential to disturb the Root Protection Areas (RPAs) of adjacent trees, potentially undermining their long-term health, structural integrity, and viability. This is particularly relevant given the extent of excavation that may be required to remove hard surfacing and regrade or replant the site.
112. Despite these clear risks, the applicant has failed to submit a Tree Survey, Tree Impact Assessment, or any form of Arboricultural Method Statement or Tree Protection Plan. These documents are fundamental to assessing how trees within influence of the site may be affected, and what measures (if any) can be secured to avoid, reduce, or mitigate impacts. The absence of this information is particularly concerning given that the presence of veteran or aged trees cannot be ruled out without proper assessment - trees which would attract an even higher level of policy protection.

113. The Council's Arboricultural Officer has reviewed the application and confirmed that, in the absence of detailed tree information, the Local Planning Authority cannot assess whether the development would result in harm to existing trees. The officer has advised that the application fails to meet the standards set out in BS 5837:2012 – Trees in Relation to Design, Demolition and Construction, which establishes the industry best practice for assessing and managing trees affected by development.
114. Furthermore, the omission of this information conflicts with the expectations of the National Planning Policy Framework (NPPF), which requires local planning authorities to ensure that planning decisions protect and enhance valued natural features, including trees, and that unavoidable loss is justified and mitigated appropriately.
115. In conclusion, the failure to submit any arboricultural assessment represents a significant deficiency in the application and prevents the Local Planning Authority from carrying out its statutory duty to assess the environmental impact of the proposal. Without this information, it is not possible to determine whether the development complies with adopted policy or whether harm could be avoided or suitably mitigated. The proposal therefore fails to satisfy the requirements of Policy DM25 of the Development Management Plan and is contrary to the environmental objectives of the National Planning Policy Framework.
116. Accordingly, the application is recommended for refusal on the grounds of insufficient information to assess tree-related impacts, and the consequent failure to demonstrate that the development would conserve and enhance the natural environment as required by local and national policy.

On Site Ecology

117. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. 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.

118. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
119. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
120. To accompany their planning application the applicant has submitted an Preliminary Ecological Appraisal (PEA) which was produced by Crossland Ecology and is dated May 2025. The submitted report reaches the following conclusions and recommendations.
- A financial contribution will be required for each new dwelling to mitigate potential recreational impacts on nearby internationally designated ecological sites. This is particularly relevant to sites along the Essex coast and is intended to address increased visitor pressure resulting from new residential development.
 - During both the construction and operational phases, protection of adjacent woodland and trees is essential. This will be achieved through the use of protective fencing to prevent physical damage, and by implementing measures to avoid the introduction of new lighting that could disturb local habitats and wildlife.
 - The ecological assessment outlines the potential impacts, mitigation measures, and expected outcomes for a range of ecological features. For nearby statutory sites, the provision of developer contributions is considered sufficient to result in a neutral residual impact. Adjacent habitats may be affected during construction through disturbance, pollution, or lighting; mitigation includes sensitive lighting design, fencing off important habitat areas, adherence to pollution prevention measures, and the creation of new garden habitats. These measures are expected to lead to a positive residual effect.

- In terms of fauna, the risk to badgers is considered very low, with standard construction safeguards - such as capping open pipes and providing escape routes from excavations - deemed adequate, resulting in a neutral effect. For bats, mitigation includes avoiding light spill into habitats, fencing, new garden planting, and the installation of roosting features like bat boxes. This is expected to lead to a neutral to positive outcome. Birds will benefit from protective fencing and the provision of nesting boxes, contributing to a positive residual effect.
- Great crested newts, reptiles, and other notable species are considered unlikely to be present on site. Nonetheless, precautionary measures such as fencing and habitat creation are proposed, leading to neutral or slightly positive outcomes. Invertebrates are expected to benefit from new vegetated gardens and reduced lighting impacts, resulting in a neutral to positive effect.
- Overall, the proposed development, if carried out in line with the recommended mitigation and enhancement measures, is expected to deliver positive ecological outcomes. The project will comply with current wildlife legislation, Chapter 15 of the National Planning Policy Framework (MHCLG, 2024), and local planning policies related to biodiversity and nature conservation.

121. The case officer considered it prudent to consult with colleagues in Essex County Council Place Services Ecology and they state: *“We have reviewed the Preliminary Ecological Appraisal (Crossland Ecology, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.*

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable”.

122. The proposed development has been assessed in light of national and local planning policy requirements for biodiversity protection and enhancement. Paragraph 180 of the National Planning Policy Framework (NPPF) emphasises the importance of avoiding harm to protected species and their habitats, and, where impacts are unavoidable, securing appropriate mitigation. These principles are reflected in Policy DM27 of the Council's Development Management Plan, which requires that the potential effects of development on the natural landscape - including protected habitats and species - are fully considered. The legislative framework provided by the Natural Environment and Rural Communities (NERC) Act 2006, including the duties under Sections 40 and 41, further reinforces the responsibility of planning authorities to conserve biodiversity and have regard to habitats and species of principal importance.
123. In support of the application, a Preliminary Ecological Appraisal (PEA) was submitted (Crossland Ecology, May 2025), which has evaluated the site's ecological features and assessed the likely effects of the development. The report concludes that, with the implementation of the recommended mitigation and enhancement measures, the proposal would result in a neutral to positive residual effect on biodiversity. These measures include sensitive lighting design, protective fencing during construction, habitat creation within gardens, and the installation of ecological enhancement features such as bat and bird boxes.
124. The report also recognises the need for a financial contribution to mitigate recreational pressure on nearby internationally designated ecological sites, such as those along the Essex coast. This reflects established strategic mitigation requirements and would ensure compliance with relevant conservation obligations.
125. The appraisal concludes that species such as badgers, bats, and breeding birds will either not be significantly affected or will benefit from enhancement measures, and that impacts on invertebrates and other notable species are likely to be neutral or slightly positive. No evidence of great crested newts, reptiles, or other legally protected species was found, though precautionary safeguards are proposed.
126. In reviewing the submitted information, Essex County Council Place Services Ecology has confirmed that sufficient ecological information has been provided to support determination of the application. They are satisfied that, with appropriate mitigation secured by condition and/or planning obligations, the likely ecological impacts can be adequately addressed, and the development can be considered acceptable in biodiversity terms.

127. Accordingly, the proposal is considered to comply with the NPPF, Policy DM27 of the Development Management Plan, the NERC Act 2006, and relevant national and local biodiversity action plans. Subject to the implementation of the identified mitigation and enhancement measures, the development is expected to make a positive contribution to biodiversity and the natural environment in accordance with planning policy and legal duties.

Off Site Ecology

128. The application site is 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 (SPA and RAMSAR). 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.
129. The development for 1no. dwelling which 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 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

130. 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.

131. 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. It is acknowledged that the required RAMs fee has been paid.

BNG

132. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.

133. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.

134. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Equalities and Diversity Implications

135. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
136. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
137. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

138. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: Having considered the above application Rawreth Parish Council have no comments, observations or objections to make.

Essex County Council Highways Authority: The Highways Officer raise no objection to the development, subject to the imposition of conditions relating to the provision of secure and covered cycle parking; the requirement that public access over PRow footpaths 21 and 22 be maintained free and unobstructed at all times; and the inclusion of standard highway informatives.

Essex County Council Place Services Ecology: We have reviewed the Preliminary Ecological Appraisal (Crossland Ecology, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Rochford District Council Arboricultural Officer: Using the topo survey and aerial view, it would seem there is an established tree belt outside the north and eastern boundary, as yet there is no information on the quality of the trees or if any veteran / aged trees are present. It is assumed that the existing extensive concrete throughout the site is to be removed to facilitate the landscaping and amenity areas. There is no detail with regards to root protection areas and how far these may extend within the site and what impact the removal of the hard surfacing will have on the health of the existing trees.

I would suggest the applicant provide a tree impact assessment to determine the above and make any adjustments necessary or supply mitigation to avoid / reduce potential impacts. I would recommend following the impact assessment, a tree protection plan and arboricultural method statement are supplied to demonstrate how the trees will be protected during the demolition and construction phase.

The above should be in accordance with BS 5837 2012

Environment Agency: No objections.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 revised in February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, GB1, GB2, ENV9, T3, T6.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (adopted January 2025).

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: REFUSE

1. The proposed development is located partially within Flood Zone 2, as defined by the Environment Agency's Flood Map for Planning, and involves a change of use from a less vulnerable to a more vulnerable use, namely residential development. In accordance with the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance, developments of this nature in areas at medium flood risk must be subject to the Sequential Test, which aims to direct development towards areas at the lowest risk of flooding.

The application has not been supported by a Sequential Test or a Sequential Test Assessment that demonstrates there are no reasonably available alternative sites at lower risk of flooding that could accommodate a development of similar scale and type. In the absence of such evidence, the Local Planning Authority is unable to conclude that the proposal has adequately considered and minimised flood risk in accordance with the sequential approach.

As such, the proposal is contrary to the requirements of the National Planning Policy Framework, particularly Section 14 (Meeting the challenge of climate change, flooding and coastal change), the Planning Practice Guidance on Flood Risk and Coastal Change, and relevant local planning policies relating to flood risk management. The proposal therefore fails to demonstrate that it is appropriate in this location and should be refused on flood risk grounds.

2. The application fails to provide sufficient information to assess the impact of the proposed development on existing trees located adjacent to the site, including a mature tree belt to the north and east boundaries. In particular, no Tree Survey, Tree Impact Assessment, Tree Protection Plan or Arboricultural Method Statement has been submitted in support of the application, contrary to the requirements of BS 5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations.

Policy DM25 of the Council's Development Management Plan seeks to conserve and enhance existing trees and woodlands, particularly those of high amenity and ecological value. In the absence of the necessary arboricultural information, the Local Planning Authority is unable to determine whether the proposed development would result in direct or indirect harm to existing trees, or whether adequate protection measures could be implemented during construction.

The proposal is therefore contrary to the aims and objectives of Policy DM25 of the Development Management Plan, the guidance set out in BS 5837:2012, and the National Planning Policy Framework, which collectively seek to ensure that development does not result in the avoidable loss or deterioration of important natural features.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.

Application No :	25/00618/FUL Zoning: Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Downhall And Rawreth
Location :	Land rear of 4 Mortimer Road, Rayleigh.
Proposal :	Demolition of existing Garage, and subdivision of existing plot, to provide new single storey self-build dwelling at rear

SITE AND PROPOSAL

1. The application site currently forms part of the rear garden of 4 Mortimer Road, a relatively large detached dwellinghouse set within a spacious plot. The dwelling has a detached single garage to its eastern side. The surrounding area is residential in character and appearance, and the street scene contains a mix of dwellings in terms of size, scale and design. The application site area is given as 1441 sq.m. (0.144 hectares).
2. The rear garden of the site is surrounded by the gardens of properties fronting Mortimer Road to the north, Hullbridge Road to the west and south, and Eastview Drive to the east and south. The garden is on elevated ground, rising from Mortimer Road. The applicant's property is located wholly within the residential envelope of Rayleigh.
3. The proposal is to demolish the existing garage and to construct a single-storey, flat-roofed, 3-bedroomed dwelling, which will be erected in the rear garden of No. 4 Mortimer Road.

RELEVANT PLANNING HISTORY

4. PA/21/00004/PREAPP - Demolition of existing garage to No. 4 and create access drive to single storey bungalow at rear, Demolition and relocation of garage No. 6 to allow space for new two storey dwelling , create new cross-overs – the 'backland' element of this proposal indicated a detached bungalow in a similar position to the building now proposed. The submitted plan was annotated as a single-storey. 3-bedroomed dwelling of 110sqm, and a 160sqm. garden; and with a pitched roof and single garage shown in the area of the now proposed open parking spaces. A third parking space would have been located closer to the boundary with the gardens of the Hullbridge Road properties than now proposed.

5. The Council's response was: ".....Looking specifically at the south side of Mortimer Road there is significant separation between the buildings. There are examples of semi-detached dwellings but the separation between the built volume is prominent. Whilst there is no uniform design to the dwellings in the street the building line is set back from the street and each dwelling follows this set pattern. The dwellings also each benefit from large gardens which back onto each other. Overall, the identified characteristics contribute to the suburban appearance of the street scene. There is also no prevailing character of backland development in the immediate vicinity of the application site...
6. ... I do not consider that back land development at this site would be viewed favourably. It is not a characteristic that is prevalent within the vicinity of the site. Council policy SPD2 and Policy DM3 discuss that backland development would only be considered acceptable if it is in keeping with the existing street pattern and density. Mortimer Road, Eastview Drive and Hullbridge Road all maintain a set building line and development straying from this building line is unlikely to be considered acceptable. The dwellings along the southern side of Mortimer Road in particular are set within substantial plots that help to create a distinct character to the locality and the proposed backland development would not be in keeping in this context. As such the proposed dwelling to the rear is likely to be considered contrary to the SPD2 and Policy DM3 of the Development Management Plan".
7. Application No. 21/00789/LDC - Application for a Certificate of Lawfulness for Proposed Outbuilding, inclusive of garden store, workshop and home office – Certificate issued 10 September 2021. This showed a building with a footprint of 9.8m x 5.4m, eaves height of 2.1m and ridge height of 3.953m. Lawful 10th September 2021.
8. Application No. 21/00932/FUL - Two storey rear extension, and proposed new entrance canopy with new pitched roofs over existing front dormers – granted 30 November 2021. This included a 4.5m deep 2-storey rear extension for the full width of the dwelling, and would create a 5-bedroom property. It would involve the removal of the existing flat-roof and an existing conservatory. Approved 30th November 2021.
9. Application No. 21/01379/FUL - Demolition of existing garage and subdivision of existing plot to provide new single storey dwelling to rear with separate parking provision. Extend driveway to front to serve existing dwelling – Refused - 18th May 2022. The application was the subject of Appeal (Reference: APP/B1550/W/22/3301768) which was dismissed on the 8th March 2023.

MATERIAL PLANNING CONSIDERATIONS

10. 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.
11. 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).

Background Information

12. As stated, the application site has been subject of a previous Appeal Decision (Ref: APP/B1550/W/22/3301768) which was subsequently dismissed. The Inspector acknowledged that the proposal would introduce a new dwelling accessed via an extended driveway running alongside Nos. 4 and 6 Mortimer Road. The layout positions parking spaces and a turning area at the end of the existing rear garden, in close proximity to the side elevations and private rear gardens of these neighbouring properties.
13. Whilst the development would only serve one additional dwelling, the proximity of regular vehicle movements (starting, manoeuvring, and passing) to sensitive habitable areas is considered to result in an unacceptable level of noise and disturbance, particularly when compared to the current peaceful garden environment with limited built form beyond the established building line.
14. The Inspector stated that although landscaping measures and surface treatments could offer some mitigation, there is no clear evidence that these would be sufficient to address the identified harm. Furthermore, there is no enforceable mechanism to ensure the use of quieter electric vehicles, despite a proposed charging point.
15. Arguments relating to fallback positions under permitted development (e.g. domestic outbuildings or extended driveways) were considered but given limited weight, as such scenarios would be ancillary to activity of the existing household and would not generate the same level of vehicle activity associated with an additional independent dwelling.
16. It was acknowledged that the proposal would not result in harm to properties further afield (e.g. Eastview Drive, Hullbridge Road, or No. 10 Mortimer Road) given the separation distances, and that the scheme would deliver some planning benefits. However, these were not considered to outweigh the identified harm to the amenity of immediate neighbouring occupiers at Nos. 4 and 6.

17. Overall, it was considered that the proposed development conflicted with Policy CP1 of the Rochford Core Strategy (2011), Policies DM1 and DM3 of the Rochford Development Management Plan (2014), and paragraph 130(f) of the NPPF, which collectively seek to ensure a high standard of amenity for existing and future occupiers.
18. The applicant has resubmitted the current proposal in an effort to address the concerns raised in both the previous officer's report and the Inspector's appeal decision. The agent highlights that the existing gap between Nos. 4 and 6 Mortimer Road measures approximately 7m in width and considers this to be a sufficiently generous space, rather than a narrow one. To mitigate previous concerns regarding noise and disturbance, the revised scheme now incorporates additional landscaping along the shared boundary, creating an enhanced acoustic buffer. It is stated that adequate space exists to accommodate this measure.
19. It is further noted that No. 6 Mortimer Road benefits from a long existing driveway leading to a rear garage, where vehicle movements are already established and considered acceptable. In the previous application, the proposed access was wide enough to accommodate emergency service vehicles, including fire appliances. In the current submission, however, the width of the access has been marginally reduced to allow for the added landscaping. As a result, it is acknowledged that the access no longer meets the minimum width required for fire engine access. To address this, the applicant proposes the installation of an internal sprinkler system within the new dwelling. This is intended to provide additional time for the fire service to respond and to compensate for the reduced access width by allowing for extended hose reach.
20. Additionally, the agent argues that Rochford District Council is currently unable to demonstrate a five-year supply of deliverable housing sites, as required by the National Planning Policy Framework (NPPF). This is presented as a significant material consideration in favour of the proposal. It is also noted that the NPPF has been updated since the refusal of the previous application. These and other relevant issues are considered in further detail below.

Principle of Development

21. The National Planning Policy Framework (NPPF) was revised in December 2024 (and further amended in February 2025) 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. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
22. 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.
23. 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.

24. Policy H1 of the Council's 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 the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached houses or 15.25 metres 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 1 metre between habitable rooms and plot boundaries.
25. Policy CP1 of the Council's 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.
26. The application site is located wholly within the settlement boundary of Rayleigh. Therefore, given that the application relates to a site within the settlement zone, the broad principle of development is acceptable.

Housing Land Supply

27. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
28. The proposal proposes the severance of a portion of the applicants curtilage for the construction of a detached single-storey dwelling. The recent Annual Monitoring Review for Rochford Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1 No.) and as such if the proposal was permitted, it would contribute to the existing shortfall, which is an important material planning consideration that cannot lightly be put aside.

Design

29. Good design is promoted by the NPPF as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
30. 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 the Council's Supplementary Planning Document 2 (SPD2).
31. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.
32. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
33. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
34. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.

35. Mortimer Road exhibits a well-defined and consistent suburban character, characterised by a linear street pattern with predominantly detached and semi-detached dwellings that front the highway. These dwellings are generally set within generous plots, with long rear gardens contributing to a spacious and coherent urban grain. This prevailing layout establishes a strong sense of place and rhythm, and the absence of backland residential development in the immediate locality reinforces this pattern. As such, rear garden development is not a typical or defining feature of this part of Mortimer Road.
36. The proposed introduction of a detached dwelling within the rear garden of No. 4 Mortimer Road would constitute a notable departure from this established pattern. While there are examples of domestic outbuildings within neighbouring plots, these are modest in scale and clearly ancillary in function. They do not introduce independent residential use and therefore do not materially alter the spatial or functional characteristics of the area. By contrast, the creation of a self-contained dwelling would reconfigure the use of the land, introducing a form of backland development that is not representative of the prevailing urban form.
37. Notwithstanding this deviation, the design and layout of the proposed dwelling seek to mitigate potential adverse impacts. The proposed unit is a single-storey, flat-roofed structure of contemporary design, with a broadly rectangular footprint measuring approximately 10.4m in length by 14.9m in depth, and a height of 3.5m. The internal arrangement provides three bedrooms and associated living accommodation. Although the building is of a considerable footprint, it is proportionate to the size of the host plot and would not result in overdevelopment in spatial terms.
38. The massing of the proposed dwelling is moderated through the use of projecting elements and varied fenestration, which assist in breaking up the building's visual bulk and avoiding a monolithic appearance. The dwelling would be located at existing ground level and sited to the rear of the host dwelling, where it would be largely screened by existing and proposed boundary treatments and the main property at No. 4. Although partial views of the building may be available from the public realm between Nos. 4 and 6 Mortimer Road, these would be limited and incidental. Consequently, the visual impact of the development on the wider streetscene is considered to be minimal.

39. Externally, the proposed materials include zinc cladding in a black finish, white render, and powder-coated aluminium window frames in black/dark grey. Solar panels are also proposed on the flat roof. While these materials and the flat-roofed form represent a clear departure from the traditional vernacular of the area - which is predominantly comprised of pitched-roofed dwellings with more conventional external finishes – the proposals limited visibility from the public realm and secluded siting diminishes its impact on local character allowing for a more adventurous approach. Nevertheless, in the interest of protecting visual amenity, it is recommended that a condition be imposed requiring the submission and approval of external material samples by the Local Planning Authority prior to the commencement of above-ground works.
40. The proposal does not benefit from a street frontage, instead being accessed via a new driveway formed adjacent to the flank elevations of Nos. 4 and 6. The Council's SPD2 requires detached dwellings to have a minimum frontage of 9.25 metres or a frontage commensurate with the established character. However, given that the proposed dwelling would not front the public highway, this criterion is not considered directly applicable in this instance.
41. The Council's SPD2 does not preclude backland development in principle but sets out a series of design and amenity criteria to ensure high-quality outcomes. These include the need for safe and appropriate access, protection of residential amenity (including privacy, outlook, and noise considerations), and the preservation of the area's established character. SPD2 acknowledges that single-storey dwellings, such as bungalows, may be more appropriate in backland contexts due to their reduced height and massing, which limit their visual prominence and potential amenity impacts.
42. SPD2 also explicitly discourages tandem development - defined as a dwelling positioned directly behind another and sharing a single access - on the basis that it frequently results in substandard amenity outcomes. In this case, however, the proposed dwelling would not directly align with the rear elevation of the host property, nor would it be positioned in such a way that it would compromise the privacy or outlook of either existing or future occupants. The spatial arrangement would be more nuanced and would avoid the adverse inter-visibility typically associated with tandem schemes. As such, the proposal does not contravene the SPD's policy objective in this regard.

43. It is acknowledged that backland development is limited within the immediate context. Whilst the applicant references Chapman Court as precedent, this site is over 115 metres from the application site and is subject to a different configuration and planning history in relation to development of a small number of dwellings in depth fronting its own private drive. Other backland schemes within the district, including those at Rawreth Lane and Eastcheap, were granted consent under materially different circumstances and are not directly comparable to the current proposal.
44. The Council's Policy DM3 does not prohibit backland development but requires that proposals be assessed on their individual merits, particularly in relation to character, layout, and impact on neighbouring amenity. In this instance, although the scheme is at variance with the predominant development pattern, its discreet positioning and limited visibility contribute to a design response that is, on balance, acceptable in visual terms.
45. The surrounding residential area accommodates a mix of bungalows, chalet bungalows, and two-storey dwellings, resulting in a varied but low-density urban character. The introduction of a single-storey, three-bedroomed dwelling would not result in a development density or housing typology that is inconsistent with the wider area. The scale, footprint, and intensity of development are considered compatible with the character and capacity of the site.
46. Whilst the flat-roofed, contemporary design clearly departs from the more traditional architectural forms in the locality, the limited visual exposure of the dwelling ensures that the divergence in style would not result in harm to the visual amenity or streetscape. Subject to appropriate conditions, the design quality is considered acceptable.
47. In conclusion, the proposed development represents a departure from the established spatial pattern of Mortimer Road. However, the form, scale, and siting of the dwelling, together with its limited visibility and single-storey height, mitigate the visual and amenity impacts typically associated with backland development. Whilst the scheme is not fully aligned with the prevailing character of the area, it is considered that, on balance, the proposal complies with the relevant provisions of the Council's policies and Supplementary Planning Documents. Subject to conditions, the development is acceptable and would not result in demonstrable harm in design terms.

Impact on Residential Amenity

48. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, 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.
49. Amenity is defined as a set of conditions that one ought 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 would 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.
50. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal 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 occupiers.
51. Para 7.1 of the Council's SPD 2 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.
52. The application proposes full planning permission for the erection of a single-storey dwelling within the rear garden of No. 4 Mortimer Road. This development would involve the subdivision of the existing residential plot and the creation of a new vehicular access route running between Nos. 4 and 6 Mortimer Road. This access arrangement requires the demolition of the existing detached garage at No. 4 to facilitate the driveway extension much deeper in to the site. Whilst the built form itself raises limited concerns in terms of design, scale, and spatial arrangement, the access proposals present significant, unresolved issues relating to residential amenity, notably affecting No. 6 Mortimer Road and potentially No. 4, should it be sold or occupied independently in the future.

53. From a design perspective, the dwelling is modest in scale and single storey, deliberately incorporating no windows on the eastern or western elevations to prevent overlooking. The lack of fenestration on these elevations, combined with compliance with the Essex Design Guide's spatial separation standards—specifically, maintaining over 17 metres separation from opposing properties on Hullbridge Road at an oblique angle—ensures the dwelling itself would not result in direct privacy infringements. As previously stated, the proposed dwellinghouse is at an oblique angle and is set off the southern boundary by roughly 12.1m tapering down to 4.9m. It is considered, given the scale and nature of the proposal, the intervening boundary treatment will help to mitigate any negative externalities associated with the proposal.
54. Furthermore, the proposed subdivision retains functional garden areas for both the existing and new dwelling, consistent with the prevailing character and pattern of development in the area. These design elements collectively suggest that the dwelling's physical presence and siting would be acceptable and in keeping with local residential standards.
55. However, the critical concern arises from the proposed access route, which would run along a narrow corridor between Nos. 4 and 6 Mortimer Road. This route currently functions as a quiet, private side and rear garden environment. Its conversion into a vehicular access driveway would dramatically alter this character by introducing additional vehicle movements, including private vehicles, deliveries, and visitor traffic, in close proximity to sensitive residential boundaries and windows of neighbouring dwellings. The driveway's alignment alongside No. 6 is particularly problematic, as several windows on the side elevation of No. 6 directly overlook this access corridor. These rooms currently benefit from relatively high levels of amenity, including natural light, privacy, and outlook, all of which would be significantly compromised by the introduction of frequent vehicular activity. The impact upon these windows was the major reason for the inspector in the previous appeal finding the proposal unacceptable.
56. The anticipated effects from the driveway's operation extend beyond mere visual intrusion. The close proximity of the access drive to residential windows and garden areas would expose occupiers to regular noise disturbance from engine idling, acceleration, braking, door slamming, and tyre noise. Additionally, vehicle headlights would produce glare and light intrusion during early morning and evening hours when residents are most sensitive to disturbance. The cumulative effect of these factors would materially degrade the peaceful enjoyment and comfort of the residents, particularly at No. 6 Mortimer Road, where the spatial constraints exacerbate the intensity of disturbance.

57. Mitigation measures proposed by the applicant include the retention and extension of hedgerow planting and the installation of timber fencing along the boundary with No. 6 to partially screen the driveway. While these landscaping and screening efforts may provide some visual buffering, they are insufficient to address the core issues of noise, light intrusion, and general disturbance. Fencing, especially in a confined space, can increase the sense of enclosure and exacerbate feelings of confinement rather than alleviate harm. Moreover, planting and fencing do nothing to mitigate noise or light pollution, which remain the principal causes of reduced residential amenity in this context.
58. Importantly, the impact on No. 4 Mortimer Road itself cannot be discounted, even though it is currently under the applicant's ownership. Planning assessments must consider the potential effects on future occupiers. The subdivision of the plot and introduction of a shared access drive would lead to a significant reduction in residential amenity for the retained dwelling. The reconfiguration of private outdoor space, combined with the proximity of frequent vehicle movements, would compromise the privacy, tranquility, and usability of garden areas. Furthermore, depending on internal room layouts and window orientations, there may be adverse effects on the internal environment, such as increased noise penetration and reduced enjoyment of internal spaces.
59. The proposal also conflicts with relevant planning policy and guidance. SPD2 clearly states that backland access routes should not give rise to unacceptable harm through noise, disturbance, or pollution. This is reinforced by national policy within the NPPF, specifically Paragraphs 187(e) and 198, which require developments to avoid unacceptable environmental impacts and protect residential amenity. In this case, the cumulative effect of vehicle movements, noise, headlight intrusion, and emissions would unacceptably erode the amenity currently enjoyed by neighbouring occupiers. The quiet, private nature of the rear garden environment would be lost, detrimentally affecting the living conditions of multiple households, notably those at Nos. 4 and 6 Mortimer Road, as well as neighbouring properties on Eastview Drive and Hullbridge Road albeit to a lesser degree.
60. Although the current submission represents a revised scheme with attempts to reduce harm - such as narrowing the access road and increasing planting and boundary treatment – these adjustments do not resolve the fundamental conflict between the proposed intensity of vehicle activity and the constrained, sensitive residential environment. The proximity of the driveway to windows and private amenity spaces ensures that the development would continue to cause unacceptable noise, disturbance, and loss of tranquility.

61. In conclusion, while the proposed dwelling itself is acceptable in principle from a design and spatial perspective, the associated access and parking arrangements introduce significant and unavoidable harm to residential amenity. The proposal would result in sustained noise, light, and visual disturbance for adjacent occupiers, particularly those at No. 6 Mortimer Road, and materially reduce the quality of life for future occupiers of No. 4. As such, the development is contrary to the guidance set out in SPD2 and the NPPF's provisions on protecting residential amenity. Therefore, the application is not considered acceptable in its current form, has not overcome the previous inspectors findings and should be refused.

Garden Sizes

62. The NPPF places significant emphasis on the creation of high-quality places which are safe, inclusive, and accessible, and which promote health and well-being through the provision of a high standard of amenity for existing and future users (Paragraph 135, criterion (f)). This objective is mirrored in the Council's adopted Development Management Plan, specifically Policy DM3, which requires new residential development to provide adequate and usable private amenity space for the intended occupants. In addition, the Council's adopted Housing Design Supplementary Planning Document (SPD2) sets out clear expectations regarding the size of private garden spaces to ensure residential environments are fit for purpose and support the well-being of future occupiers.

63. SPD2 stipulates that all new dwellings should provide a minimum private garden area of 100m², save for one and two-bedroom dwellings where a reduced minimum of 50m² is considered acceptable. The proposal under consideration seeks to deliver a single three-bedroom dwelling. According to the submitted Proposed Site Plan (Drawing Ref: 202 Revision 00), the development would provide in excess of 100m² of private amenity space, excluding the area designated for car parking. The proposed dwelling would satisfy the outdoor amenity space requirements set out in the SPD2. Furthermore, as the proposal will result in the subdivision of the plot the host property will still maintain a private rear amenity space of 420m².

Sustainability

64. The Ministerial Statement of the 25th March 2015 announced changes to the government's 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.

65. 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.
66. 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.
67. 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 74m² or 86m², respectively. Additionally, the dwelling must have a minimum of 2.5m² of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m² internal floor space while double bedrooms must equate to a minimum of 11.5m², with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. 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 dwellings will measure approximately 127m² and exceed the minimum requirements.
68. The table below shows the Gross Internal Floor area for each of the bedrooms.

Bedroom No.1(Master)	14.4m ²
Bedroom No.2	21m ²
Bedroom No.3	11.7m ²

69. According to the submitted plans there is a storage cupboard proposed adjacent to the entrance hall which will measure approximately 2.3m² and as such there is a very slight shortfall; however, the proposal exceeds the recommended minimal GIA for a three bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future appeal.

70. 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.
71. 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.

Drainage

72. Development on sites such as this can generally reduce the permeability of at least part of the site and changes 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

73. 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.

Refuse and Waste Storage

74. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

Impact on Highway Safety

75. 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.
76. Essex County Council Parking Guidance (2024) requires that development provide off-street parking proportionate to its connectivity level as defined in Appendix A of the same. The application is deemed to have 'very low' connectivity and therefore for a 3- bedroomed dwelling, 3No. parking spaces are required. In addition, 3No. parking spaces will be located on the site frontage to serve the existing dwelling. This would involve the loss of a grassed area and the extension of the existing hardstanding.
77. In accordance with paragraph 116 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.

78. The Local Planning Authority considered it appropriate to consult Essex County Council's Highways Authority. The Highways Authority responded stating that *"The proposal includes the demolition of the garage, subdivision of the site and construction of one new dwelling. Adequate off-street parking is included. The host dwelling retains a separate vehicle access to the west and the existing vehicle access at the east of the site frontage shall be utilised by both dwellings. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*.
79. The Highways Engineer goes on to state that they have no objections to the proposal subject to conditions relating to no unbound materials, construction management plan, parking areas and access to be provided as shown on drawing 21-080 202 Revision 00, cycle parking, residential travel information pack and standard informatives.
80. This formal consultation response provides a clear and expert opinion that the proposal would not result in any unacceptable impact on the highway network, nor would it give rise to safety concerns. The development meets the minimum parking standards and has been found to be acceptable in principle by the relevant statutory consultee.
81. The Local Planning Authority has no evidence to suggest that the development would result in conditions contrary to paragraph 116 of the NPPF. The introduction of a single dwelling is not considered to result in a level of vehicular movement or intensification that would give rise to either a severe cumulative impact or an identifiable risk to highway safety. Furthermore, the proposed access arrangements and parking provision ensure that vehicles can enter and leave the site in a safe and practical manner, without giving rise to conflict with other users of the road.
82. Concerns often raised in connection with development of this nature, such as increased noise, dust, or disruption to neighbours are noted. However, given the small scale of the proposal (a single dwelling), any increase in such impacts would be minimal and temporary during the construction phase. These do not constitute demonstrable planning harm and would not be sufficient to justify refusal of the application, particularly in the absence of any objection from the Highway Authority.
83. In light of the above assessment, it is concluded that the proposal provides adequate off-street car parking and satisfactory access arrangements in line with the Council's adopted parking standards and Development Management Plan Policies DM1, DM3, and DM30. There is no technical objection from the Highway Authority, and the proposal does not conflict with paragraph 116 of the NPPF. The development would not result in a severe impact on the local road network, nor pose an unacceptable risk to highway safety. Accordingly, the proposal is considered acceptable in highways and transportation terms.

Trees

84. Policy DM25 of the Development Management Plan (2014) seeks to ensure that development proposals conserve and enhance existing trees and woodlands, with particular protection given to Ancient Woodland. The policy states that development resulting in direct or indirect harm to trees will only be permitted where there is clear justification that the benefits of the proposal outweigh the value of retaining those natural assets. Where tree loss is unavoidable, appropriate and meaningful mitigation of equivalent ecological or amenity value is required, rather than token compensation.
85. The applicant has submitted an Arboricultural Report, prepared by Andrew Day Arboricultural Consultancy and dated 23rd January 2022. The report identifies several trees (T1–T5 and T7) proposed for removal to facilitate the development. These include a yew, Scots pine, two Lawson cypress, a hornbeam, and a Sequoiadendron (T7). All are assessed as low quality, with the exception of T7, which is identified as having greater merit but potentially replaceable with more suitable species for long-term retention elsewhere on site.
86. The report notes that these trees could, in future, overshadow neighbouring gardens and become over-dominant. It concludes that their removal would not result in significant harm to public amenity, provided that new tree planting is secured through condition.
87. For the remaining trees on site, the report considers the potential impact of development to be moderate and recommends protective measures to avoid construction-related harm.
88. The Council's Arboricultural Officer was consulted and acknowledged the findings of the report. They confirmed that the trees proposed for removal are largely screened from public view due to existing built form and therefore offer limited visual amenity. Their removal, if adequately compensated through replanting, would result in minimal impact on the local landscape character.
89. However, a discrepancy within the submitted documents was identified: the report states that T6 is to be retained and T7 removed, while the Tree Protection Plan appears to show the reverse. Given T7 appears to fall within the footprint of the proposed driveway, this inconsistency should be clarified prior to determination.

90. The applicant's agent provided the following clarification in response to concerns raised by the Council's Arboricultural Officer:

"T7, in all honesty, had already been removed prior to the submission of our original application, so I can confirm that T7 has already been removed. T6 will be retained and may be trimmed at some point, as it is becoming quite large. The neighbours wish for it to be retained, although it does shed a considerable amount of leaves and twigs".

91. In light of this clarification, the Case Officer sought updated comments from the Council's Arboricultural Officer. In response, the Arboricultural Officer advised:

"I have no further concerns with this. The trees should be protected in accordance with the method statement and tree report provided".

92. Based on the information provided by the applicant's agent and the subsequent confirmation from the Council's Arboricultural Officer, there are no outstanding arboricultural concerns. The proposal is considered acceptable in this regard, subject to compliance with the submitted tree protection measures.

On Site Ecology

93. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. 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.
94. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
95. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England.

There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

96. The case officer notes that no ecological appraisal has been submitted with the application. However, the site comprises maintained domestic garden featuring mown lawn including various shrubs and plants and areas of hardstanding. Consequently, given the aforementioned factors it is therefore unlikely to support protected species.
97. In conclusion, while national and local planning policy places strong emphasis on the protection and enhancement of biodiversity, including the need to consider protected species and habitats at the planning stage, the evidence in this case indicates that the site is of limited ecological value. The garden is maintained and predominantly composed of mown lawn, ornamental shrubs, and areas of hardstanding, which are unlikely to support protected or notable species. Accordingly, the proposal is considered to comply with the relevant provisions of the National Planning Policy Framework and the Local Development Framework Development Management Plan Policy DM27.

Off Site Ecology

98. 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.
99. 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

100. 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.

101. 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.

BNG

102. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.

103. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed, officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has therefore not been required to provide any BNG information.

104. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Other Matters

105. Concerns have been raised that the proposal could place pressure on existing infrastructure, particularly when considered alongside other developments in the area. While such points are noted, it is important to emphasise that the application relates solely to the provision of one additional dwelling. The concerns expressed are anecdotal, with no empirical evidence submitted to substantiate them.

106. From a planning perspective, the scale of development is de minimis. The marginal demand generated by a single dwelling—whether in relation to highways, education, healthcare, utilities, or other local services—would be negligible and readily absorbed within existing infrastructure networks. Infrastructure strain generally arises from the cumulative impacts of major housing allocations or multi-plot schemes; it is not reasonable to apply the same argument to a single dwelling of modest scale.

107. National and local planning policy frameworks make clear that development should only be resisted on infrastructure grounds where there is demonstrable, material harm that cannot be mitigated. No such evidence has been provided in this case. On the contrary, the delivery of a single dwelling represents proportionate growth that makes efficient use of land without giving rise to adverse cumulative impacts.

108. Accordingly, it is concluded that the proposal would not result in any material or measurable impact on existing infrastructure provision, and that the concerns raised cannot be substantiated.

109. An objector has claimed that the proposal if allowed will create a precedent for similar types of development within the locality. However, in relation to planning there is no such consideration as a planning precedent, as every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous. A search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their individual merits.
110. However, in planning law, there is a "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, *R v. London Borough of Wandsworth* (1983) This case established that while past decisions in planning are not strictly binding, they can be persuasive. The court ruled that a planning authority must give reasons if it decides to depart from previous planning decisions that might suggest a similar outcome. It emphasized the importance of consistency in planning decisions to ensure fairness and avoid arbitrary decision-making. Additionally, *R v. Secretary of State for the Environment, ex parte Nottinghamshire County Council* (1986) This case clarified that, whilst planning authorities are not required to follow previous decisions, they must not act irrationally or in a way that is inconsistent with past practice without offering an adequate explanation. The court noted that consistency in planning decisions is important to prevent confusion and unfairness. Also, *R (on the application of Collins) v. Secretary of State for Communities and Local Government* (2013) This case reinforced the idea that planning authorities need to consider relevant case law and precedent in the broader sense, particularly when a similar case has been determined under the same policies. However, the decision emphasized that each case must be considered based on its unique facts and circumstances. Whilst, Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency" and *R (Midcounties Co-Operative Limited) v Forest of Dean District Council* [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057

Equalities and Diversity Implications

111. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
112. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
113. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

114. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council : No comments received.

Essex County Council Highways Authority: No objection subject to the imposition of conditions relating to no unbound materials, construction management plan, parking areas and access to be provided as shown on drawing 21-080 202 Revision 00, cycle parking, residential travel information pack and standard informatives.

Rochford District Council Arboricultural Officer: A tree impact assessment is supplied by Andrew Day Consulting. I have been unable to access the rear of the site and was only able to view via the 2 side gates. The trees are obscured from view by the existing built form, the amenity value is limited as they cannot be seen within the street scene. The trees could be removed as suggested in the report and replaced with little impact upon visual amenity value and local landscape character.

Please note that in the report it suggests T6 is being retained and T7 is to be removed, however in the tree protection plan it suggests T6 is being removed and T7 is retained, I assume this is an error as T7 would be within the footprint of the driveway, perhaps this should be clarified though.

Revised Comments from Rochford District Council Arboricultural Officer: I have no further concerns with this. The trees should be protected in accordance with the method statement and tree report provided.

Neighbour representations:

6 letters of representation have been received, which raise the following points (summarized):

- Planning permission has already been rejected twice for this scheme and nothing has changed;
- The proposal will lead to overlooking and loss of privacy
- The proposal will have a detrimental impact on local wildlife
- The proposal will exacerbate problems with road safety and congestion in the area
- Many trees will need to be felled in order to accommodate the new dwellinghouse
- The access to the new property is not sufficient particularly for emergency vehicles
- The proposal constitutes overdevelopment
- The proposal will have a detrimental impact on residential amenity
- There are too many houses being built in the locality and the infrastructure cannot cope.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024 revised in February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, ENV1, T8

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (adopted January 2025).

Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: REFUSE

1. The proposed creation of an access drive, turning area and parking spaces in close proximity to, and for the length of, the boundaries with 4 and 6 Mortimer Road and their rear gardens would introduce unacceptable noise and disturbance from the manoeuvring of vehicles, fumes (from non-electric vehicles) and nuisance from vehicle headlights. The adverse impact from the turning and parking of vehicles would also affect the amenities enjoyed by the closest residents in Eastview Drive and Hullbridge Road. This would diminish the reasonable enjoyment of these properties to a degree that living conditions for occupants would be harmed

The mitigation measures proposed, including hedgerow planting and fencing, are insufficient to overcome the identified harm, as they fail to adequately address the cumulative impacts of noise, vehicle activity, and light pollution.

Accordingly, the proposal conflicts with the requirements of Supplementary Planning Document 2 (SPD2), which seeks to ensure that backland development does not result in unacceptable harm to neighbouring occupiers through noise, disturbance, or pollution. It also fails to comply with the National Planning Policy Framework (NPPF, 2024) (as amended) particularly paragraph 135 f) of the National Planning Policy Framework to create places which promote health and well-being, with a high standard of amenity for existing and future users; with the high quality design aims sought by Core Strategy Policy CP1; and the more detailed requirements of Policies DM1 and DM3 of the Council's Development Management Plan.

For these reasons, the development is considered contrary to the relevant local and national planning policies aimed at safeguarding the residential environment, and the application is therefore recommended for refusal.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.