

APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1515 – 13 MARCH 2020

19/00956/FUL

23 HARROGATE ROAD, HOCKLEY

DEMOLISH EXISTING RESIDENTIAL DWELLING AND CONSTRUCT A 4-BEDROOM DWELLING HOUSE

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1515 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 18 March 2020 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr Mrs C A Weston referred this item on the grounds that the proposal would constitute over-development in this road and that the proposed dwelling house would be of a significant height well above other properties in this road and would possibly result in a loss of light to adjoining property number 25.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

Appendix 1

Application No :	19/00956/FUL	Zoning : Residential
Case Officer	Ms Katie Ellis	
Parish :	Ashingdon Parish Council	
Ward :	Hockley And Ashingdon	
Location :	23 Harrogate Road Hockley SS5 5HT	
Proposal :	Demolish existing residential dwelling and construct a 4 bedroom dwelling house	

SITE AND PROPOSAL**Site and Context**

1. The application site is a rectangular plot situated on the western side of Harrogate Road and is relatively flat. The application dwelling is a detached, bungalow. The area surrounding the site is residential in character and the street scene presents a mix of predominantly bungalows and chalet bungalows of similar form and appearance and some, two-storey dwellings that are not uniform in design.

Proposal

2. Planning permission is being sought to demolish the existing bungalow and erect a detached, two-storey dwelling and lay out car parking and landscaping to the front. The existing vehicular crossover would be utilised and extended.
3. The proposed dwelling would measure 9.5m wide, a maximum 13.4m deep at ground floor with an overall height of 7.95m.
4. Amended plans have been received in the course of the application in response to officer concerns relating to the scale and form of the proposal. The changes include reducing the depth of the proposal at first floor and altering the roof form.

Planning History

No relevant planning history

Main considerations

Principle of development

5. The application property lies within the existing residential area where there are no specific allocation policies. The main considerations are whether the development has an impact on the character and appearance of the area, the neighbouring occupiers and highway safety.
6. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting (including residential gardens). Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption 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.
7. 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 of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
8. 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. Although limited infill will be considered acceptable, it will have to relate well to the street pattern, density and character of the locality. The SPD (SPD2) for housing design states that for infill development, plots should ordinarily be a minimum 9.25 metres wide, and that there should be a minimum distance of 1 metre between habitable rooms and the plot boundary.
9. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill and backland development positively addresses the existing street pattern and density of locality and whether the number and types of dwellings are appropriate to the locality.
10. Whilst the principle of development is not objected to, the main issues and acceptability of the development are the material considerations explored below.

Impact upon the character and appearance of the area

11. The proposed dwelling would follow the existing building line along this part of Harrogate Road. The positioning of the proposed dwelling is not objected to, in principle, the proposed dwelling, by virtue of its siting would not be harmful to the character and appearance of the street.
12. The proposed plot would achieve an approximate 11.6m plot width and 1m separation distance between the dwelling and the flank boundaries in accordance with the Council's Supplementary Planning Document 2 - Housing Design.
13. The layout of the site would comprise one, detached two-storey dwelling, the scale, bulk and height of the proposed dwelling is comparable to that of other dwellings in the vicinity of the site which is considered acceptable.
14. With regard to the detailed appearance of the proposed dwelling, a traditional built form has been applied to the dwelling which has a vertical emphasis to its massing and scale. The massing is generally well articulated with vertically proportioned fenestration creating a well-balanced dwelling. The dwelling incorporates a hipped roof with front gabled end projection, emphasising its vertical massing. The articulated form of the proposed dwelling would create visual interest.
15. An area of hardstanding would be laid out to the front of the dwelling for car parking. Soft landscaping would feature to the frontage and along the southern flank boundary. In terms of materials and finishes to landscaped areas, no details have been provided. A planning condition is recommended requesting landscaping details to ensure that suitable landscaping would be laid out. Land to the rear providing amenity space would feature a laid lawn.
16. The layout of the landscaping proposed to the application site is considered to be in accordance with the character of the frontages within Harrogate Road, which vary in materials but are commonly large areas of hardstanding featuring off-street parking with area of soft landscaping to provide a soft pleasant environment.
17. The proposed dwelling would be finished in a brick, harmonising with the surrounding streetscene. The immediate streetscene and the surrounding areas consist of an eclectic mix of dwellings, from traditional dwellings to modern homes. The proposed development would appear commensurate in scale with dwellings within the area and it is therefore not considered that the layout, scale, bulk, height and appearance of the proposed dwelling would result in demonstrable harm upon the character and appearance of the area complying with the stipulations of policy H1 of the Core Strategy, policies DM1 and DM3 of the Development Management Plan, SPD2 Housing Design and the NPPF.

Impact upon neighbouring amenity

18. There would be an approximate 28m distance between the proposed dwelling and the rear boundary. A 1m distance would be achieved between the flank elevations and the flank boundaries of the proposed dwelling.
19. The occupants of No.25 have appointed a Right of Light Surveyor who has raised an objection to the proposal on their behalf, details of which can be found in the representations section of this report below. Reference has been made to the need for a daylight and sunlight survey to be undertaken by the applicant and for the proposal to comply with the nationally recognised BRE guidelines before the planning application can be determined.
20. The submission of such a survey and for evidence of compliance of the proposal with the aforementioned guidelines is not a requirement of a planning application for a dwelling. Planning applications at this Council are determined without reference to these specific guidelines and without reference to details contained in a daylight and sunlight survey. Whether a proposed development would give rise to an unacceptable impact on residential amenity by way of overshadowing and loss of sunlight or loss of daylight is a matter of judgement and fact and degree, taking account of the specific proposal and relationship with neighbouring properties with considerations to relevant planning policy and additional policy guidance. The relevant policies are DM1 and DM3 of the Development Management Plan and the Supplementary Planning Document (SPD2).
21. Supplementary Planning Document 2 (SPD2) contains guidance relating to proposed first floor extensions to guard against excessive overshadowing of neighbouring properties. Although the guidance refers to householder extensions, this guidance can also be applied to new dwellings. This guidance requires that a 45 degree angle from the nearest ground floor habitable rooms on neighbouring properties is taken and any first floor projection that breaches this could be considered to be excessive in depth.
22. The northern boundary is shared with No.25 Harrogate Road. No.25 is a semi-detached, clipped hipped bungalow that has been altered and extended via a roof extension and conservatory at the rear. Beyond the boundary of the site, there is a 2.6m distance between the boundary and the flank elevation of No.25. Overall, there would be an approximate 3.6m distance between the proposal and neighbouring building. Two windows and two doors, one of these being the entrance door, feature in the flank elevation to the neighbouring building facing the proposal. These face in a southern direction. It has been confirmed that the windows relate to a bedroom and a kitchen. The bedroom window is secondary in nature as the bedroom is also served by a window fronting the highway. The proposed dwelling would be orientated south of these openings and would be two-storeys in height with a hipped roof sloping away from No.25. As such, any overshadowing would only occur during the day, and only for a small proportion of daylight hours. Whilst it is acknowledged that the proposal is sited closer to the shared northern

boundary of the site, an approximate 3.6m distance would remain between built forms. Any additional loss of light from the proposal over and above that already lost from the existing building is likely to be minimal, given the orientation and distance between the two buildings.

23. With regards to No.21 to the south, a similar situation would occur. However, there would be an approximate 3.9m distance remaining between buildings.
24. Whilst SPD2 does refer to a 45 degree test, it also states that first floor extensions shall be decided on their merits. The first-floor element of the proposal would be sited in line with the rear elevation of Nos.21 and 25. Again, it is acknowledged that the neighbouring dwellings have been extended via single storey rear extensions. The 45 degree angle would not be breached by the proposed dwelling in relation to the neighbouring properties. On this basis it is difficult to conclude that the proposal would result in a loss of light to the flank or rear windows of Nos. 21 and 25.
25. There is no specific policy criterion by which to assess the impact that the proposed dwelling would have on the neighbouring property by way of overshadowing and loss of daylight, the judgement would remain a matter of fact and degree. It is acknowledged the dwelling would be sited closer to the northern boundary and would be of a greater height than at present.
26. It is considered there is sufficient distance between the proposed dwelling and the properties to the north (No.25) and to the south (No.21) not to result in excessive overshadowing or have a significant overbearing impact or result in loss of light to either the private rear garden or the habitable rooms of No. 21 an No.25, such as to detrimentally effect the level of amenity that would be reasonably expected. The proposal also conforms to the 45o test from adjacent ground floor, habitable windows to neighbouring homes.
27. The floor plans submitted show there are windows proposed, that would serve en-suites and a bathroom at first floor level in the flank elevations. In the circumstances, a condition obscure glazing the windows in the flank elevations would be necessary to mitigate against the potential of overlooking. The proposed fenestration in the northern and southern elevations has been carefully positioned to not overlook the private amenity space of the surrounding residential properties.
28. The proposed development is considered to comply with policy DM1 and DM3 of the Development Management Plan and SPD2 - Housing Design.

Living conditions for future occupiers

Garden Sizes

29. The NPPF 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.

30. The SPD2 requires a minimum 100m² garden area for all new dwellings. The proposed development provides rear private amenity space in excess of this requirement and therefore satisfies the outdoor requirements set out in the SPD2. An area of 309m² would be retained for the private amenity space at 23 Harrogate Road.

Sustainability

31. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
32. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
33. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
34. The proposed dwelling would be for one, four-bed property. A four-bed, eight-person dwelling would require a minimum Gross Internal Area of 124 square metres with 3 square metres of built-in storage. The property would have a GIA of some 195 square metres including space to accommodate some 3 square metres of built-in storage. The proposed dwelling would meet the national space standard.
35. 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 is recommended to ensure compliance with this Building Regulation requirement.
36. 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 upon highway safety

37. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
38. The proposed development would utilise and extend an existing vehicular access onto Harrogate Road. For unclassified routes such as Harrogate Road, planning permission is not required for alteration to an existing vehicle access however consent would need to be sought from the Highway Authority separately. As it has been indicated on the plan (Drg. no. 1189 rev C) from the local planning authority's perspective, it is considered that the proposed access adequately meets the guidance set in the Highways Technical Manual and is therefore, considered acceptable and would not have an adverse impact upon highway safety.
39. The site would provide a hard standing to the front that would have the potential to provide two off-street car parking spaces measuring to the preferred bay size in accordance with the Parking Standards. An integral garage is also proposed, the garage internally measures 2.9m by 5.5m.
40. It is not considered that the proposed development would be to the detriment of highway safety or the free flow of traffic and therefore, no objections are raised that could be sustained on appeal. The proposed development is considered to comply with Parking Standards and policy DM30 of the Development Management Plan.

Ecology and Trees

41. There are established trees located on the site; these are not however subject to a Tree Preservation Order. Policy DM25 looks to conserve existing trees and hedgerows. There is no indication as to what the applicant's intentions are with regards to existing trees and hedgerows. The trees and hedgerow have an amenity value to the site but given their position within an enclosed residential curtilage do not have a high public amenity value and therefore no objections are raised if these trees were to be removed.
42. No ecological surveys have been provided with this application however, the habitat would not appear to be suitable for protected species given that the site is situated within a built-up urban area and domestically maintained.

Representations:

43. ASHINGDON PARISH COUNCIL - Object on the basis of over development of site. Loss of light, too close to boundary.

44. NEIGHBOUR REPRESENTATIONS - The following neighbours have provided comments on the proposal. These comments are summarised below.

16 Harrogate Road:

45. No objections to the proposal but would like to highlight that Harrogate Road has an ongoing car parking issue.

25 Harrogate Road:

- Loss of light
- Loss of view
- The scale of the proposed dwelling is overbearing and oppressive
- The massing of the building and its closeness to the shared northern boundary would be overbearing
- Over-development of the site
- Lack of car parking for a four-bed dwelling
- Overshadowing

A letter has been received from Right of Light Consulting on behalf of 25 Harrogate Road:-

First Response - Received 4 December 2019

46. We are appointed by the owners of 25 Harrogate Road, following concerns that the proposed four-bedroom new build dwelling at 23 Harrogate Road will impact upon the daylight and sunlight receivable by their property.
47. The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight: a good practice guide" 2011 by PJ Littlefair provides guidance for the planning department to consider.
48. The introduction to the BRE guide at 1.1 suggests that "people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight or sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements."
49. We note that the applicant, has not yet submitted a daylight or sunlight study in support of the application and to establish the impact of the proposal upon our client's property. As a result, we have been instructed by our clients to undertake a Case Appraisal of the issue and note that the proposed development is likely to partially breach the:
- BRE 25 degree test in relation to the south-facing kitchen and bedroom windows

- BRE Annual Probable Sunlight Hours test in respect of the south-facing kitchen and bedroom windows
50. In light of the above, partial breaches we are of the opinion would arise, if the proposal is built as planned. We would request that no decision in favour of the application is made until the applicant undertakes a daylight and sunlight study to establish the impact of the proposal upon our client's property. We would also request that a copy of the computer model and analysis be forwarded to us so that we can advise our clients accordingly on the accuracy of the results. We will be happy to liaise with our clients to arrange access for the applicant's surveyor to visit so they can gather the necessary internal measurements for the assessment.
51. We understand that you have yet to visit our client's property. We look forward to liaising with you for a convenient time you will be able to visit and evaluate the reduction of light from our clients' perspective.
52. In addition to planning considerations, it is useful to assess the risk of any potential civil action from the outset and mitigate any future costs which could be incurred defending a claim. Our clients are disappointed that they have been obliged to respond negatively to the application but feel compelled to oppose a development which they consider will have such an oppressive and overbearing impact on the way they enjoy their property.
53. If our clients are forced to seek an injunction from the court preventing the construction of the proposal any fees that are incurred will be sought for reimbursement from the applicant. We aim to avoid these further courses of action. Therefore, we strongly advocate that the issue is resolved during the planning stage - in particular, to avoid planning permission being granted for a development that may not be built due to legal rights of light restrictions.
54. In summary, we request that no decision is made in favour of the application until we are satisfied that the proposal complies with both the BRE guidelines and the civil legal rights of light criteria.

Second Response - Received 6 January 2020

55. As you are aware, we are appointed by the owners of 25 Harrogate Road. Since our last letter of 4 December 2019 (appended to this letter for reference), we note that the applicant, has submitted new plans for the proposed four-bedroom new build dwelling at 23 Harrogate Road.
56. Having reviewed the updated plans, the ridge height has increased and there is increased massing on the northern side of the proposal (directly facing my clients' side facing windows). Our clients are therefore still concerned with the daylight and sunlight implications to their property resulting from this proposed development and we would again request that the applicant commissions a BRE daylight and sunlight study.

57. We would also request that a copy of the computer model and analysis be forwarded to us so that we can advise our clients accordingly on the accuracy of the results. We will be happy to liaise with our clients to arrange access for the applicant's surveyor to visit so they can gather the necessary internal measurements for the assessment. We will also be happy to liaise with our clients, so you are able to view the issue from our clients' perspective.
58. Further to the various planning considerations, it is useful to assess the risk of any potential civil action at this early stage and mitigate any future costs which could be incurred defending a claim. We strongly recommend this issue is dealt with, particularly given the number of rooms at the ground floor of 25 Harrogate Road, where the windows facing onto the boundary between the two properties are their only source of natural light.
59. In summary, we request that no decision is made in favour of the application until we are satisfied that the proposal complies with both the BRE guidelines and the civil legal rights of light criteria.

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1189 rev C.
- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 The two on-site vehicular parking spaces on the driveway shall be provided prior to first occupation of the dwelling hereby approved, each with a dimension of 2.9m by 5.5m and both shall be retained at the site in perpetuity.
- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 6 There shall be no discharge of surface water from the development onto the Highway.
- 7 The first floor window(s) to be created in the northern and southern flank elevations shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished first floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

- 8 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.
- 9 Prior to occupation, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted (to compensate for the loss of trees arising from the development);
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework 2019

Core Strategy 2011 - CP1, H1, H6, ENV9

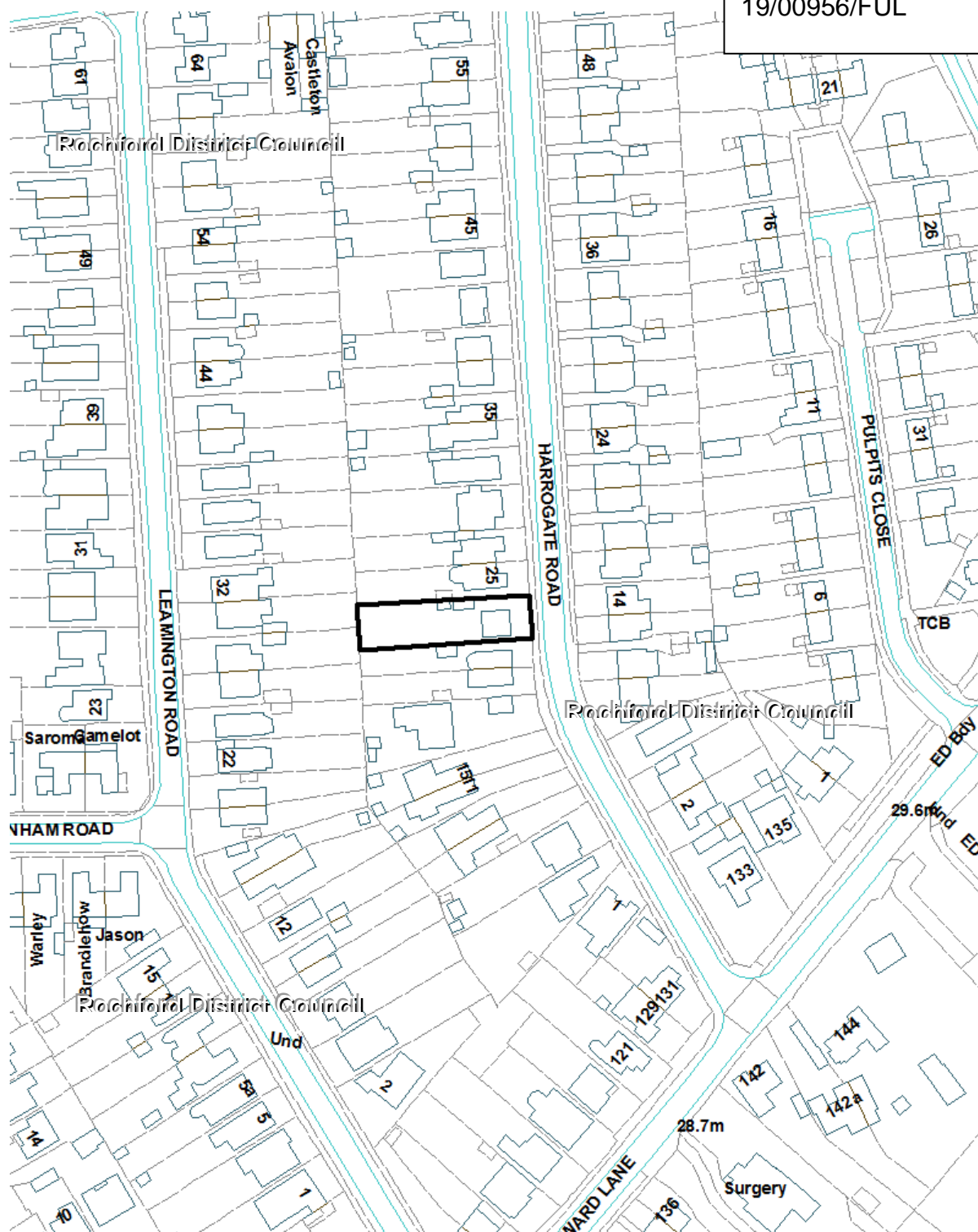
Development Management Plan 2012 - DM1, DM3, DM4, DM25, DM27, DM30

Parking Standards Design and Good Practice (2010)

The local Ward Member(s) for the above application are Cllr M R Carter
Cllr T G Cutmore Cllr Mrs C A Weston

Appendix 2

19/00956/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138



NTS