

APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1367 – 27 JANUARY 2017****16/01204/FUL****LAND REAR OF 59 RAWRETH LANE, RAYLEIGH****REVISED APPLICATION TO DEMOLISH DETACHED GARAGE TO REAR, SUB-DIVIDE PLOT AND CONSTRUCT DETACHED THREE-BEDROOMED BUNGALOW WITH FRONT FACING ROOF LIGHTS/WINDOWS****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1367 requiring notification to the Assistant Director, Planning & Regeneration Services by 1.00 pm on Wednesday, 1 February 2017 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr C I Black referred this item on the grounds of consideration of extra conditions to mitigate the impact on neighbours.
- 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:	16/02204/FUL	Zoning:	Residential
Case Officer	Mr Robert Davis		
Parish:	Rayleigh Town Council		
Ward:	Downhall And Rawreth		
Location:	Land Rear Of 59 Rawreth Lane Rayleigh		
Proposal:	Revised application to demolish detached garage to rear, sub-divide plot and construct detached three bedroomed bungalow with front facing roof lights/windows.		

SITE AND PROPOSAL

1. This application seeks a revision to a previously approved application. The external changes involve the replacement of a proposed side window with a door and the provision of two velux windows to the front roof pitch.
2. The application relates to a site on the outskirts of the residential area of Rayleigh on the south side of Rawreth Lane, some 60 metres west from the junction made with Caversham Park Avenue. The site neighbours Fairview, number 57 to the east and Longview, number 61 to the west. The plot has an area of some 858 square metres. The site has a frontage of some 15.4 metres. The rear boundary of the plot is shared with the rear boundary of properties on Manns Way.
3. The application seeks to retain the existing dwelling, demolish the existing garage, sub divide the plot and construct one detached three bedroomed bungalow to the rear of the plot. The proposed bungalow would have a height of 4.9 metres, a width of 13 metres and a depth of 10.8 metres.

RELEVANT PLANNING HISTORY

4. 15/00376/FUL Demolish Detached Garage to Rear of Site Sub-divide Plot and Construct Detached Three Bedroomed Bungalow. APPROVED.

CONSIDERATION

5. Principle of the development

The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is without specific allocation as there are no specific allocation polices for the existing residential area, given that they are already developed. The Allocations Plan therefore carries forward the existing residential area allocation of the previous local plan.

Policy H1 to the Council's adopted 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 infilling will be considered acceptable provided it relates well to the existing street pattern, density and character of the locality (Policy DM3). The NPPF seeks to ensure that all new development shall seek to improve the character and quality of the area and raise the standard of design.

6. The application site an L shaped plot with the widest part to the rear. The proposed bungalow would be sited to the rear with the front elevation facing north west towards the rear elevations of 59 Rawreth Lane and 61 Rawreth Lane at a north westerly angle, and the eastern side elevation facing across the rear of the garden to 57 Rawreth Lane. The properties to the north of the proposed bungalow would be sited some 13 metres from the proposed bungalow. The neighbouring properties to the south, numbers 2 to 8 Manns Way, share a boundary with the rear of the site. Close boarded fencing at a height of 1.8 metres is proposed to the boundary of the proposed dwelling.

7. Whilst fenestration is proposed to all elevations, as the proposed dwelling is a bungalow and boundary treatment with a height of 1.8 metres has been included as part of the application, it is not considered that there would be any risk of overlooking to the neighbouring properties to the north as a result of the proposed development. It would however be considered reasonable to impose a condition removing Permitted Development rights for dormers to ensure that there would be no future risk of overlooking.

8. The proposed bungalow would be visible from a number of neighbouring properties and objections have been received from neighbours regarding the impact on residential amenity and overdevelopment. The site benefits from a large plot which can accommodate two dwellings. The proposed bungalow has been sensitively designed with its future location in mind, with a low pitched roof with a maximum ridge height of 4.9 metres and an eaves height of 2.7 metres. The proposed bungalow has been sited to ensure there is no direct back to back or face to face relationship with any of the neighbouring dwellings, instead being sited at an angle within the plot to reduce the overall impact. The velux windows would be within a vaulted ceiling and 3m above floor level thus providing daylight and without the potential for outward looking in normal circumstances. The proposed side door is not considered to have any significant impact on neighbouring sites. It is not considered that the development would cause significant harm to the amenity of these properties so as to justify a reason for refusal.

9. SPD2 requires consideration of site frontage as a useful measure to guard against the overdevelopment of infill sites, requiring a minimum of 9.25 metres for detached properties or that the site has a frontage compatible with the existing character of the area within which they are to be sited. The site frontage would be some 15.4 metres. The proposed dwelling would not be readily visible from the street and would therefore not be considered to impact upon the character of the street. The new dwelling is to sited to the rear of the site within its own setting and a private driveway.

10. SPD2 requires that houses have a minimum private garden area of 100 square metres. The subdivision of the plot would result in a garden area to the proposed bungalow of some 186 square metres and a garden area to the existing dwelling of some 100 square metres. Both garden areas would comply with the requirements set out in SPD2.

11. Highway considerations

In the previously approved application the County Highway Authority advised that from a highway perspective the impact of the proposal is acceptable.

The Parking Standards: Design and Good Practice Supplementary Planning Document requires that houses have a minimum of two off street parking spaces per dwelling.

Both proposed dwellings have provision for two off street parking spaces with dimensions of 2.9 metres by 5.5 metres to the paved areas to the front of each property. As such both dwellings would meet the requirements for off street parking.

Sufficient space has been provided at both dwellings for cycle and refuse storage.

12. Technical housing standards

New dwellings must comply with the Technical Housing Standards introduced in March 2015, which set out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The assessment of the properties against these standards is as follows:

a. The dwellings proposed is a one 3 bed roomed 5 person bungalow. A 3 bed roomed 5 person bungalow requires a minimum gross internal floor area of 86 square metres. The bungalow proposed has a gross internal floor area of some 113 square metres and as such would comply with this standard. A minimum of 2.5 square metres of built in storage is required. Some 2.15 square metres of built in storage is indicated on the plans. Whilst this does not meet the requirement the proposed dwelling has sufficient space in order to meet this requirement.

b. Requirement that for a dwelling of two or more bedspaces there is at least one double bedroom. Two double bedrooms are proposed for the proposed bungalow.

c. In order to provide one bedspace, a single bedroom requires a floor area of at least 7.5 square metres and a width of at least 2.15 metres. One single bedroom is proposed which would meet the requirements for a single bedroom.

d. Requirement that in order to provide two bedspaces, a double or twin bedroom has a floor area of at least 11.5 square metres. Two double bedrooms are proposed which would meet these requirements. The proposal would comply with this standard.

e. Requirement that a double bedroom is at least 2.75m wide and every other double bedroom is at least 2.55m wide. The double bedrooms proposed meet or exceed these requirements. The proposal would comply with this standard.

f. Any area with a headroom of less than 1.5 metres is not counted within the gross internal area. There is no area with a headroom of less than 1.5 metres in the design of the dwellings proposed.

g. There are no parts of the dwellings proposed that would have a headroom of 900-1500mm.

h. 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 width set out above. The proposal would comply with this standard.

i. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area. The minimum floor to ceiling height would comply with this standard.

The proposal would meet the requirements for a 3 bedroomed 5 person bungalow.

13. Other matters

Neighbour objections have been received which raise concern that the proposed works would constitute overdevelopment. The existing plot is large and as such allows sufficient space for two dwellings which meet the Technical Housing Standards, have suitable separation distances between properties, gardens that the occupiers can reasonably enjoy in accordance with Supplementary Planning Document 2 as well as sufficient paved area for parking to the front of the dwellings in accordance with the Parking Standards: Design and Good Practice Supplementary Planning Document. As such the proposal would not overdevelop this site with built form that would not fit either visually or physically.

14. CONCLUSION:

The proposed changes to the approval are considered to be insignificant and would have no additional impact on neighbouring amenity or the streetscene.

Consultations and Representations:

RAYLEIGH TOWN COUNCIL - Objects to this application as it is an undesirable form of backland development

NEIGHBOURS: Representations have been received from the following three addresses:

Manns Way: 6

Letters reproduced as presented.

Letter 1 - I strongly object to the revised application for the following reasons:-

1. The approval of the original application specifically stated under condition 3 that "no dormers, roof lights or roof openings shall be inserted, or otherwise erected, within the roof area (including roof void) on ANY elevation of the dwelling". The applicant is obviously attempting to get approval by stealth - applying at Christmas when neighbours are busy and hoping it will get missed. It is obvious to myself and other neighbours (who have discussed this in depth) that this is the first step to develop rooms in the roof area. Which, once the roof lights/windows were approved, he could do without the knowledge of the Council.
2. The additional roof lights/windows are NOT needed for light in the living area which already has windows on two aspects and large bi-fold patio doors on the third aspect. More than adequate natural lighting for the area. Again it is obvious the applicant intends to develop the roof space by stealth.
3. It appears Rayleigh Council have woken up a bit late and objected on the basis of backland development. They approved the original application in June '15!!! If they had taken more care 18 months ago we may not be in this invidious position today. I objected on this basis over a year ago but it appears Rochford council are ignoring the Government approach laid out in June 2010 that was intended to stop infilling and garden grabbing.
4. The original statement in the approval letter dated 23/12/15 (again approved by stealth at Christmas time) stated that "boundary treatment with a height of 1.8 metres has been included as part of the application, it is not considered there would be any risk of overlooking neighbouring properties". Wrong again Rochford Council Planning. The windows to the south of the property start at a height of 1.8metres and are about 4 feet deep - therefore the whole of the windows are above the fence and look directly onto neighbouring properties, particularly the lounges of numbers 4 and 6 Manns Way. This is not in line with the original approval or the drawings/3D view shown with the original application 15/00376/FUL. When this was pointed out to the Planning Dept by a neighbour the planner denied this had happened but then admitted he had never visited the site!! What action can be taken to correct this? If someone from the planning department would like to take a look I can supply directions!
5. Rochford Council also got it wrong on the impact the bungalow has on surrounding properties. Because of the overall size and height of the property it is obvious to anyone who has visited the site that this eyesore of a property is a major overdevelopment of the site and ruins the open aspect enjoyed by the neighbours for the past 40+ years.
6. This ugly carbuncle is now being built thanks to the incompetency, stupidity and laziness of Rochford Council Planning. If any attention had been paid to the comments of the local people (which are all proving to be correct) this development would not have been approved. Therefore the last paragraph in your notification letter should be deleted as it's a totally untrue statement.

Letter 2

I strongly object to this application as follows:

1) The approval stated under condition 3 'no dormers, rooflights or roof openings shall be inserted....on ANY elevation of the dwelling'. The applicant is attempting to get approval by stealth - applying at Xmas and hoping it will get missed. It is obviously the first step to develop rooms in the roof. Once approved he could add rooms without the council knowing.

2)The additional rooflights are NOT needed for light in the living area which already has windows on 2 aspects and large bi-fold patio doors on the third aspect.

3)The approval stated that with a boundary fence of 1.8metres there would be no risk of overlooking neighbouring properties. The windows to the south start at 1.8metres and are 4 foot deep – they are above the fence and look directly into neighbouring properties. Can you request the applicant to adhere to the approved drawings with lowered windows as per the 3D view in the original application. PLEASE INSPECT.

Manns Way: 10

The property is now under construction.

Due to earthworks on the site prior to commencing the building the "ground floor" level has effectively been raised by approximately 2 feet, meaning the overall construction is that much higher than originally proposed and shown in the 3D views shown in the plans. This has the effect of allowing the windows of the property to be higher than 6 foot high perimeter fencing and completely overlook gardens of adjacent properties, removing the right of privacy.

When this matter was raised with the planning officer he simply stated he was sure the building wouldn't be built in contravention of the plans, but when pressed he stated he had neither visited the site, nor had any intention of doing so (sic). One wonders how that will enable effective scrutiny of the builder's adherence to the planning approval.

APPROVE

- 1 Time Limits Full - Standard
- 2 No development shall commence, before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or

without modification) no additional dormers, roof lights or roof openings shall be inserted, or otherwise erected, within the roof area (including roof void) on any elevation of the dwelling, other than those on the approved plans.

- 4 Prior to first occupation of the proposed development the new vehicular access for the existing dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 5 Two on-site vehicular parking spaces for the existing dwelling in perpetuity.
- 6 Prior to first occupation of the development two vehicular parking spaces shall be provided for the proposed dwelling. Each space shall have minimum dimensions of 2.9 metres x 5.5 metres and shall be retained thereafter in perpetuity.
- 7 Prior to first occupation of the proposed development a vehicular turning facility for each dwelling shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Relevant Development Plan Policies and Proposals:

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

DM1, DM3, DM4, DM27, DM30

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014.

CP1, T8

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

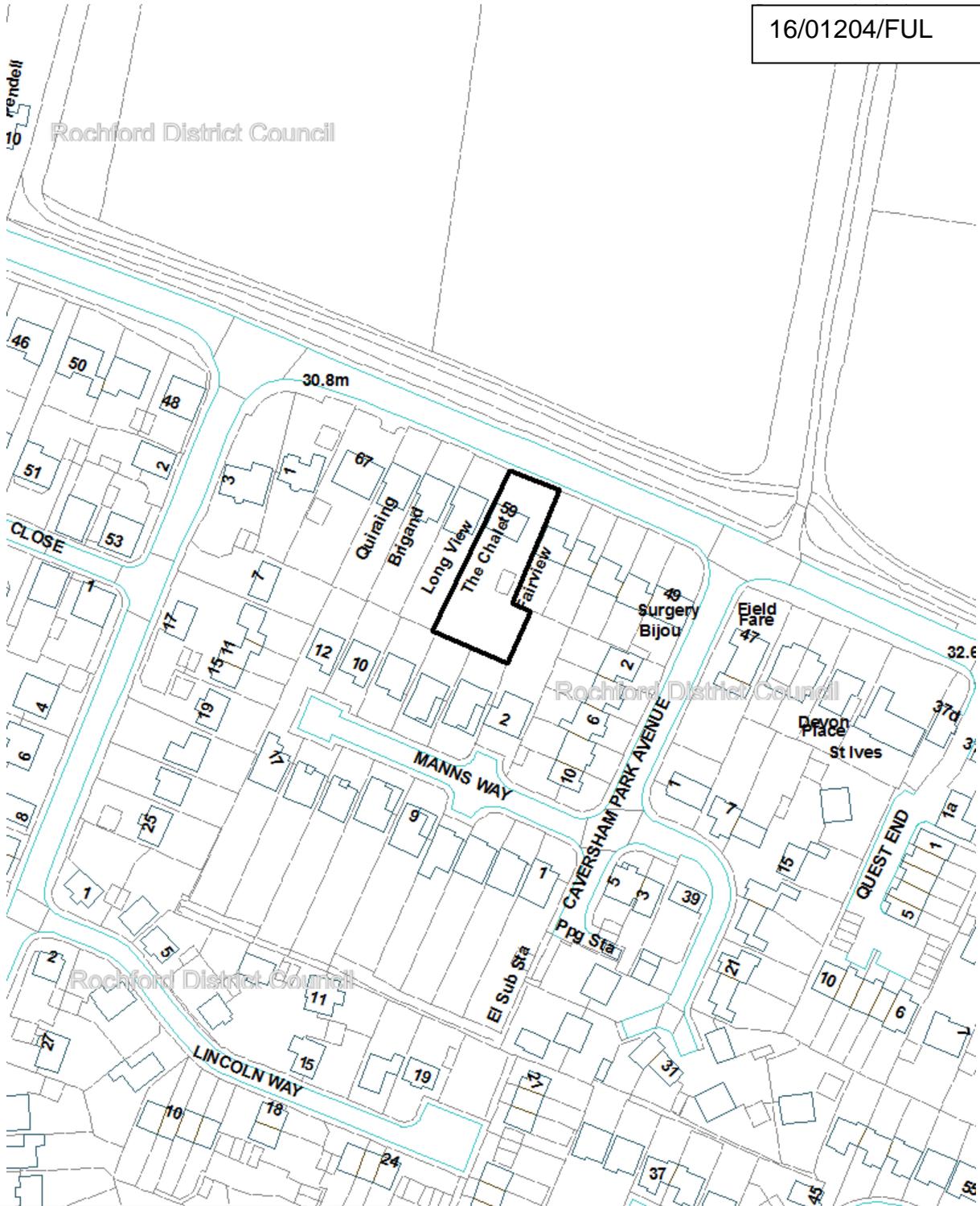
Department of Communities and Local Government. Technical housing standards - nationally described space standard. Adopted March 2015.

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

The local Ward Member(s) for the above application is/are Cllr. C.I. Black Cllr.R.A. Oatham Cllr C Stanley

Appendix 2

16/01204/FUL



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