



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
THE DEVELOPMENT CONTROL COMMITTEE - 23 July 2009**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.



Ward Members for Committee Items

HULLBRIDGE

Cllr Mrs R Brown

Cllr Mrs L A Butcher

Cllr P R Robinson

SCHEDULE ITEMS

Item 1	09/00326/FUL	Mike Stranks	PAGE 4
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Demolish Existing Out buildings And Sub-divide Rear Garden Areas To Provide 2 No. Detached Three Bedroomed Bungalows, Form New Access Serving New Dwellings Off The Drive And New Vehicular Crossing For No. 91 The Drive.
Land Rear Of 85 – 93 The Drive, Hullbridge

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TITLE: 09/00326/FUL
DEMOLISH EXISTING OUT BUILDINGS AND SUB-DIVIDE
REAR GARDEN AREAS TO PROVIDE 2 No. DETACHED
THREE-BEDROOMED BUNGALOWS, FORM NEW ACCESS
SERVING NEW DWELLINGS OFF THE DRIVE AND NEW
VEHICULAR CROSSING FOR No. 91 THE DRIVE
LAND REAR OF 85 – 93 THE DRIVE, HULLBRIDGE

APPLICANT: MR K SCHOFIELD

ZONING: EXISTING RESIDENTIAL DEVELOPMENT

PARISH: HULLBRIDGE

WARD: HULLBRIDGE

PLANNING APPLICATION DETAILS

- 1.1 This application is to a site on the southern side of The Drive 60m east of the junction with Crouch View Grove. The site is located specifically to the rear of a house at No. 85, bungalow at No. 91 and chalet at No. 93. It is formed by the sub-division of each garden to form a site for the development proposed to the rear part of the current gardens. It is accessed by a private drive sited between Nos. 91 and 93 The Drive.
- 1.2 The site is currently sub-divided into lawned gardens with domestic planting and out buildings shown to be removed. There are no particular trees of any note within the site.
- 1.3 The site has an overall width of 36m and depth of 25.3m to which there is a slope up hill through the site rising from The Drive and increasing to the site of the development and beyond to neighbouring properties in Grasmere Avenue.

The Proposal

- 1.4 The proposal follows the consideration of an earlier application to provide three chalet style three-bedroomed dwellings that was refused permission by the Council and later dismissed on appeal.



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- 1.5 The current application would provide an access to the site between the existing dwellings at Nos. 91 and 93 The Drive demolishing, as previously, the detached garage to No. 91. The current application differs in that the existing side chimney stack to No. 93 would be removed and the previously proposed walls to flank the new driveway have also been changed in favour of fencing. The proposed access is therefore slightly wider, increasing from the previous width of 2.67m to the new proposed width of 3.15. The side space between the retained dwellings and the new driveway would also be narrower, reducing from 0.9m to 0.8m for No. 91 and from about 1m to 0.8m for No. 93, though this would be consistent with the separation to the previously retained stack.
- 1.6 The access would open out to a 'T' shaped turning head 4.5m wide with 6m radius kerbs.
- 1.7 The proposed layout would provide two car parking spaces to the front of each dwelling.
- 1.8 The current application would site two bungalows at an angle to the turning head in order to improve the relationship with the existing dwellings. The proposed bungalow to plot 1 would be sited at a pinch point of 3.7m with the boundary to the garden of No. 95 The Drive, as compared to the 1m distance in the previous application. The bungalow proposed to plot 2 would be sited at a pinch point of 2.4m with the boundary to the garden to No. 79 The Drive, as compared to the distance of 1m in the previous application. The existing sheds within each garden area would be demolished.
- 1.9 The previously proposed dwellings were of a chalet style featuring two pitched roofed dormers to the front facing towards the dwellings fronting The Drive. The rear southern roof slope featured a roof light to the then proposed bathroom. The overall height of the previous dwellings was 7.3m. The currently proposed bungalows show a hipped roof form to a central ridge height of 5.5m. The previous application showed a reduction in site level of 0.1m. The current application shows a greater reduction in site level of 0.33m.

RELEVANT PLANNING HISTORY

Application No. 07/00736/FUL

Demolish existing out buildings and construct 3 No. detached three-bedroomed chalets (access off The Drive).

Permission refused 25 October 2007 for the following reasons:-



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1. The proposed access to the development via The Drive, a single track, unadopted road, would be unsuitable for fire tenders. This is required to a point not further than 45m from all parts of the ground floors of the residential buildings. Any private drive forming part of such a fire access way must be no less than 3.7m wide between kerbs (though this may reduce to 3.1m for a gateway). As far as can be determined from the submitted plans, the turning head does not conform with standards, as set out in the Essex Design Guide. This will be required to allow fire appliances to turn within the site. Furthermore, the Local Planning Authority considers the access serving the development to be unsuitable for other large, emergency and removals vehicles required to service or attend the development.
2. The proposal represents an over-development of the site, failing to achieve adequate rear garden areas for the dwellings proposed to plots 1 and 2 to accord with the Council's minimum garden requirement of 100 square metres. If allowed, the future occupiers of the dwellings to plots 1 and 2 would have insufficient space for limited outdoor recreation, outside storage and outside drying proving detrimental to the expectations of amenity that ought reasonably be expected to be enjoyed by those residents.

Appeal dismissed 18 June 2008.

MATERIAL CONSIDERATIONS

- 1.10 A number of policies contained within the Council's adopted Local Plan (2006) have now been saved by a direction dated 5 June 2009, from the Secretary of State for Communities and Local Government, until such time as they are replaced by policies that will come forward in the Council's emerging Local Development Framework. These saved policies still carry development plan status and are material considerations. Policies not saved by the direction are no longer material considerations.
- 1.11 The site is located within an area annotated as existing residential development. The use of the site for residential purposes as proposed is therefore the most appropriate use in planning terms.

Satisfactory Means of Access

- 1.12 The site would be accessed from The Drive, which is an unadopted road serving a great number of dwellings fronting The Drive and other side roads. The problems cited by existing residents in the previous application and appeal regarding restricted access along The Drive and drainage already exist and would not result in change brought about by this development. The further intensification proposed by the addition of two bungalows would not be distinguishable over and above the localised highway and drainage conditions that currently exist.



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- 1.13 Concerns were raised in the previous application by a resident based upon evidence regarding the safety and conditions of visibility of the proposed junction. This information was considered by the County Highway Authority who did not agree with the assessment made and considered that parked cars are part of the street scene and are not normally taken into account in assessing visibility failings. Adequate visibility was considered to be achieved from the proposed site access given the wide verges and the general street scene. The Inspector offered no particular comment on these issues and it must therefore be accepted that the intensification in use of the road network was acceptable for three dwellings. The current proposal for two bungalows must therefore also be acceptable.
- 1.14 Policy HP14 to the Council's adopted Local Plan is saved by the ministerial direction and is a material consideration.
- 1.15 In dismissing the previous appeal, the Inspector acknowledged that the dwelling then proposed to plot 3 would be too far from The Drive for a fire appliance to effectively fight fires. The Inspector considered that a minimum width of 2.75m might be acceptable over short distances. However, the Inspector also acknowledged that an internal sprinkler system would overcome objections with regard to fire risk. The Inspector, however, went on to criticise the relatively narrow access and inconvenience to service deliveries.
- 1.16 The access width of the driveway has been increased to between 3.1 – 3.3m between kerbs to allow larger vehicles to enter the site for routine service deliveries. The comments of Essex County Council Highways are awaited at the time of writing, but no objection was raised to the earlier application. Officers consider at this stage that the improvements to the size of the access now overcome the previous concerns of the Council and Inspector. It is anticipated that the proposal would now provide a satisfactory means of access in accordance with part (i) to Policy HP14.

Garden Areas

- 1.17 The previous layout provided under-sized garden areas for two of the three plots, at 95.8 and 92 square metres respectively.
- 1.18 In dismissing the previous appeal, the Inspector reasoned that, whilst undersize, those particular plots featured south facing gardens that were useable in shape and located at the rear in a conventional manner. The Inspector did not therefore support the Council's case on this reason.
- 1.19 The current application is more generous in layout terms. The two bungalows proposed would have garden areas of 158 and 162 square metres. The retained garden areas to the existing dwellings would measure 206, 112 and 168 square metres, all in excess of the Council's minimum requirement of 100 square metres.



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The revisions to the layout in this current application overcome the previous concerns of the Council.

Relationship to Existing Buildings

- 1.20 In dismissing the previous appeal, the Inspector concluded that the proposal then before him represented unacceptable backland development. The Inspector reasoned that the introduction of three houses in the site location would have an unwelcome appearance and result in an incongruous development that did not fit well into the local context. The inspector concluded also that the layout of that particular scheme appeared cramped.
- 1.21 The Inspector gave particular weight to the character of the area, which he stated to derive, to a significant extent, from the fact that the location comprises a residential area with a variety of house styles. The existing right of way between gardens backing onto each other to homes in The Drive and Grasmere Avenue, together with the gardens themselves, achieve a sense of spaciousness to these properties. The Inspector agreed with the views of the Council that the previous scheme was an over-development of the site and agreed with residents that the proposal would adversely impact upon this spacious character.
- 1.22 The current application is for two bungalows, as opposed to the previous three chalets. The buildings now proposed would have less roof mass, being of hipped roofed design, lower in height by 1.8m and set deeper into existing ground level a further 0.23m. The buildings proposed would be set in a far more spacious setting with generous side spaces to neighbouring garden boundaries. Nevertheless the current proposal would still be visible from surrounding properties despite the significant improvement to the layout and form of the development proposed. The Inspector was clear in his reasoning and the weight he gave to the spacious character of the back garden setting into which this development would intrude. Despite the improvements to the development, officers consider that the Inspector's findings against the previous application on this particular issue cannot be addressed by an alternative development such as that now proposed.
- 1.23 Although sited behind each existing dwelling at a skewed angle, the positioning of each dwelling proposed would be in excess of the 25m required between opposing windows to the main walls of each dwelling, as specified in the Essex Design Guide. The bungalows would, however, be 22m from the conservatory to No. 91 The Drive. Nevertheless, given the single storey nature of the development proposed and the provision of 1.8m high fencing to the rear garden of the existing dwellings, no adverse loss of privacy would result.
- 1.24 The proposed bungalows would be of modest proportions, having an overall ridge height of 5.5m and height to eaves of 2.4m.



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The dwelling mix to this part of Hullbridge features a range of dwelling types from houses to bungalows and varying both in age and size. The dwellings proposed would not conflict in scale and form with the varied make up of dwellings to this part of The Drive and Grasmere Avenue, but officers consider that, given the previous Inspector's findings, the principle of the development would fail to provide a satisfactory relationship to existing dwellings contrary to parts (ii) and (iii) to Policy HP14.

Density

- 1.25 The site has an area of 0.101ha. The development would by itself equate to a density of 19.8 dwellings per hectare.
- 1.26 Policy HP3 to the Council's adopted Local Plan previously advocated a density within a range of 30 – 50 dwellings per hectare, but this policy has not been saved by the ministerial direction. National policy sets out in paragraphs 47 – 50 of Planning Policy Statement 3 (Housing) 2006 that developments at less than 30 dwellings per hectare would need justification. Existing density should not stifle change by producing replication of older style or form.
- 1.27 As a guide, a typical area of one hectare including the site has a density of 25 dwellings per hectare which would be increased to 27 dwellings when the two bungalows are taken into account. The proposal is therefore at a lesser density than advocated by national policy. Whilst an argument can be made that the spacious character of the back garden area might justify acceptance of such a lower density, the harm caused to that spaciousness would be outweighed by the improved density. The Inspector was clear that the more efficient use of land should not be at the expense of other objectives such as the spacious character of the site locality.

Car Parking

- 1.28 Each dwelling would be provided with two off street parking spaces to the front of each dwelling with provision retained for each existing dwelling and by way of a new crossing to No. 91 The Drive. The provision of two car parking spaces for each dwelling proposed would meet the requirements for suburban housing identified in the Council's supplementary Planning Guidance.

CONSULTATIONS AND REPRESENTATIONS

- 1.29 **Environment Agency:** No objection.
- 1.30 **Head of Environmental Services:** No adverse comments to make, subject to the standard informative SI16 (control of nuisances) being attached to any consent granted.



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- 1.31 Six letters have so far been received in response to the public notification and which in the main raise the following comments and objections:-
- The Inspectorate quite clearly stated that backland development was not suitable.
 - Over-development of the site and of the roads and insufficient drainage
 - Devaluation of neighbouring property
 - Loss of privacy; noise and disturbance
 - Protection of wildlife due to loss of trees/vegetation
 - Protection of right of way
 - Residents have paid their mortgages and taxes for years to earn the privilege of security within their homes
 - Not in keeping with existing character and appearance
 - Large vehicles using turning head could damage adjoining fences and property
 - Camper vans or large vehicles owned by the future occupiers could protrude above the fence line
 - Question if existing residents to Nos. 85, 91 and 93 would remain or whether these properties would be re-developed
 - Would ruin back gardens and destroy the right of way
 - Hullbridge is a village that we do not want to be developed into a concrete estate turning our community into an undesirable place to live
 - Precedent
 - If residents do not treasure their back gardens then they should rent them out as allotments
 - After last application many residents began to be approached by builders and many elderly residents have become nervous they are unable to defend their rights due to age and health
 - Object on the basis of the same reasons as previously and as refused by the Secretary of State
 - Impact in terms of privacy, noise and disturbance will be the same as for the previous application
 - Chose to live here because Hullbridge was a pleasant and quiet place to live
 - Many of us have lived here 40 years or more
 - Ten roads already lead off The Drive, which is a one lane unadopted street and heavily trafficked
 - Dangerous access situation as entrance will be opposite Alfreda Avenue
 - Drainage infrastructure already inadequate with flooding during heavy rain
 - Inadequate water pressure
 - Gardens are for recreation and rest and not for building works
 - Inadequate access from a single track road with no parking facilities
 - No proper access into the development for fire engines, cargo and emergency vehicles.
 - Development causing unrest and upheaval to this small area despite fair comments of the previous Inspector



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RECOMMENDATION

- 1.32 That the Committee resolves to **REFUSE** the application for the following reason:-
- 1 The proposal would result in an unacceptable form of backland development that would, by way of introducing the development proposed into the relatively spacious and undeveloped setting of the existing back garden areas between dwellings fronting The Drive and dwellings fronting Grasmere Avenue, result in an unwelcome and incongruous development failing to integrate well into the local context in conflict with parts (ii) and (iii) to Policy HP14 to the Rochford District Replacement Local Plan (2006), as saved by Direction of the Secretary of State for Communities and Local Government.

Relevant Development Plan Policies and Proposals

HP6, HP14 Rochford District Replacement Local Plan (2006)

as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Planning Document 2 Housing Design (January 2007)

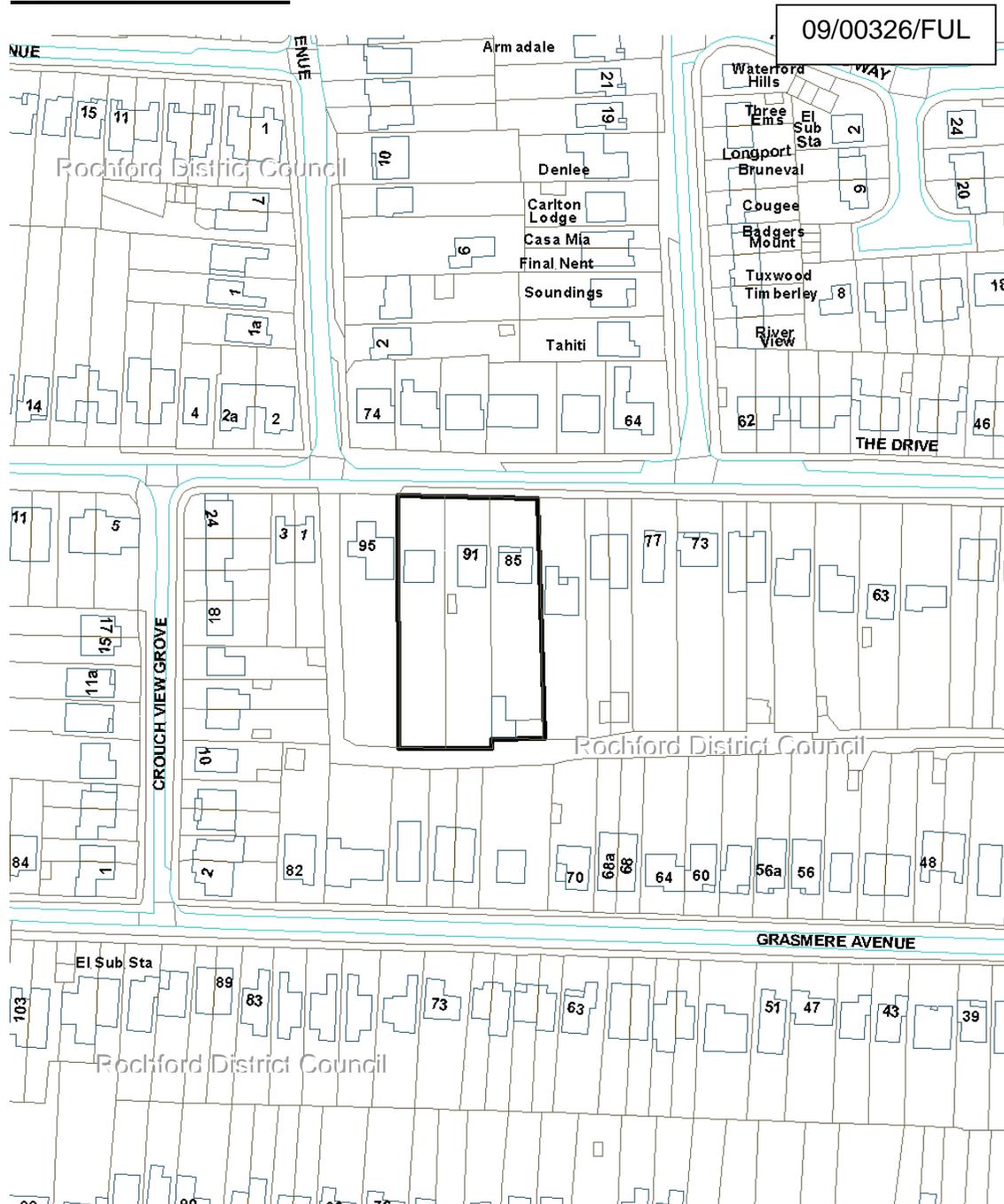
Supplementary Planning Document 5 Vehicle Parking Standards (January 2007)



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

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NTS



CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the officer recommendation on an application, which will be recorded in the Minutes.**
- **give officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the Committee any changes to printed recommendations appearing in the agenda.**

