
REFERRED ITEM 7

**TITLE: 11/00063/OUT
OUTLINE APPLICATION TO DEMOLISH HOUSE AND ERECT
THREE STOREY BUILDING CONTAINING FOUR, 1-BED
FLATS WITH LAYOUT PARKING, AMENITY AREAS,
CYCLE/RECYCLING SHED AND ALTER PEDESTRIAN AND
VEHICULAR ACCESSES ONTO PRESTON GARDENS
(AMENDED PROPOSAL OF 10/00339/OUT).
138 DOWN HALL ROAD RAYLEIGH**

APPLICANT: MRS CHRISTINE MITCHELL

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1078 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on 6 April 2011, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

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- 7.1 **Rayleigh Town Council:** Objects to the application as it is considered that it is over-development of the site and out of keeping with the street scene.

NOTES

- 7.2 Outline planning permission is sought to demolish the existing house and erect a three storey building containing four 1-bed flats with layout parking, amenity areas, cycle/recycling shed and alter pedestrian and vehicular accesses onto Preston Gardens.
- 7.3 The existing dwelling on site is a detached house, situated on a prominent corner plot on the junction of Down Hall Road and Preston Gardens, within a designated residential area. The property has a significant elevated position above the ground level of Down Hall Road where the land slopes both up Preston Gardens to the east and also to the north. The dwelling has a rectangular plan form and has incorporated a rear conservatory/lean to addition.

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- 7.4 The street scene presents an eclectic collection of types, scales and designs of dwellings, detached and semi detached houses, chalets and bungalows. No. 148/150 presents a precedent for flatted accommodation in the street. No. 140-146 comprise a row of four quite large terraced houses. The immediate neighbouring property at no. 138A is a chalet style property, which is within close proximity to the shared boundary. The chalet is of a greater depth than the existing dwelling on the application site. The property has a ground floor side window and also a side dormer that looks directly onto the application site.
- 7.5 The dwelling is at present in poor condition and is not currently occupied. The rendered finish is discoloured and is falling away from the walls over a large majority of the property. The wooden window frames are noticeably rotten. The rear garden area has recently been cleared of overgrown vegetation.
- 7.6 The application proposes to demolish the existing building and rebuild as purpose built flats and as such will be considered against Policy HP6 and HP11 of the Local Plan. Policy HP11 sets out general principles against which to judge proposals on their merits. Particular attention should be paid to the need to ensure that any proposal can be satisfactorily accommodated in terms of scale, traffic generation, parking design and character.
- 7.7 This application is in outline form of which only the landscaping is a reserved matter.

Relevant Planning History

- 08/00020/OUT – Single storey rear extension, front extension, new roof containing habitable accommodation and convert to four self contained flats. The application was refused as it was considered that there was insufficient private amenity space provided
- 08/00310/FUL – Single storey rear extension, front extension, new roof containing habitable accommodation and convert to four self contained flats. The application was refused as it was considered that the rear balcony addition gave rise to unreasonable overlooking to the neighbouring property at no. 138A. This application was also dismissed at appeal.
- 09/00303/FUL - Demolish existing dwelling and construct a two storey building containing four self contained flats. This application was refused as insufficient private amenity space was provided.
- 09/00523/FUL – Demolition of existing dwelling and construct a two storey building containing four self contained flats. This application was withdrawn before a decision was issued.
- 10/00339/OUT - Outline application to demolish house and erect three storey building containing four one- bedroomed flats with parking and amenity areas and vehicular access onto Preston Gardens. Application approved.

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Material Considerations

- 7.8 The demolition and rebuild will result in a two storey development of purpose built flatted accommodation. The building is two storey in form, however the roof space will be utilised and used for habitable accommodation. In contrast to the application previously approved, a two storey pitched roofed gable feature is included to the southern elevation and two pitched roofed dormers incorporated within the roof space on the southern side, both features increasing the internal space on the second floor. In addition the approved front elevation currently has a single storey addition, which spans half the width of this elevation; this application proposes to span the full width of the front elevation wall.
- 7.9 The building will be located no closer to the northern boundary, maintaining an isolation space of 1m. To the southern boundary the building has a staggered form, as such its distance from the boundary varies between 1.2m at its furthest and the canopy of the porch flush with the boundary. The corner plot location ensures that no coalescence between the dwelling and nearest property to the south will occur. The building will be positioned almost exactly in the same location as currently, however to a greater width and slightly increased depth. The two storey part of the proposed building extends no further into the plot than the existing two storey part. The proposed building has a single storey element to the rear, which is to a depth of 2.3m, slightly greater in depth by 0.3m than the existing lean to.
- 7.10 The proposed building is two storey, with single storey parts to both the front and rear elevations. The plans show the development to be sited 9.2m from the front boundary. On site measurements clarified that the existing dwelling is 10.3m from the front boundary. The two storey part of the proposed building will be located 1.1m closer to the highway than the existing two storey part, thus ensuring that although an increase in depth of the two storey part is proposed, that this extends no further into the rear of the site than currently existing. The siting of the building forward of the existing is not out of character with the street.
- 7.11 There is no proposed change to the relationship between the proposed building and the neighbouring property from that already approved. In terms of footprint the proposed building remains the same in width, depth and height as already approved. It is highlighted that there were previously some discrepancies between the elevation drawings and the site plan, albeit that there is no proposed change to the relationship between the proposed building and the neighbouring property from that already approved. The dimensions of the building are as follows. The width of the building will span to a maximum of 8.1m, an increase in 2.6m in comparison to the existing dwelling. The depth of the two storey part spans 9.45m. The overall depth of the dwelling is 12.8m.

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- 7.12 It is highlighted that there were previously some discrepancies between the elevation drawings and the site plan. The dimensions of the building are as follows. The width of the building will span to a maximum of 8.1m, an increase in 2.6m in comparison to the existing dwelling. The depth of the two storey part spans 9.45m. The overall depth of the dwelling is 12.8m.
- 7.13 The existing dwelling has a generously hipped roofed design. The proposed building presents a pitched roofed design, spanning over an increased width and depth of the proposed building. The roof is increased in height by 0.8m. This change to the roof design and increase in the dimensions/proportions of the building considerably increases the mass of the property, which can readily be seen from the street. The resultant change to the appearance of the roof of the proposed development is not considered to increase the overshadowing to no. 138A to a degree that would unreasonably harm the amenities of the occupiers of this dwelling.
- 7.14 Previously it was considered that the increase in the proportions of the building upon that existing would not appear incongruous in the street. The appearance of the proposed building was well articulated with features such as solid courses above the windows and vertically proportioned windows, as suggested within the Essex Design Guide. The proposed design is similar to that proposed, but now introduces a large gabled feature projecting from the southern roof slope and two pitched roofed dormers. The building still appears well articulated, however it is felt that the additional bulk introduced to the southern roof slope would give rise to a building of a form and mass that would prove overbearing and dominant in the street, especially given the increased height upon the existing and the elevated position of the site and its prominent and readily visible siting. The resultant appearance of the building, especially as viewing the property looking north, would appear overly large and intrusive within the context of the street, out of character and scale with the prevailing locality and in conflict with parts (ix) and (x) of Policy HP6 of the Local Plan.
- 7.15 The area is characterised by predominantly single family dwellings, although examples of flats are evident within the immediate area. Policy HP11 stresses the need for purpose built flats within areas dominated by single family households to respect the height, bulk and character of the area. The proposed building appears largely as a detached house; however, in contrast to the conclusions of the previous application, it is considered that the resultant building would not respect the bulk or character of the area, thus failing to comply with part (iii) of policy HP11.
- 7.16 The single storey extension to the front of the building is not considered to be objectionable.

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- 7.17 The building does incorporate a number of windows. To the northern elevation this is kept to a minimum with only two ground floor windows, both of which service bathrooms and as such can reasonably be obscure glazed and non opening above a height of 1.7m. To the rear elevation the first and second floor windows will look directly east onto a sub station. However, views into the rear garden area of no. 68 Hambro Avenue is also likely to be possible. There is some 40m between the backs of each property, however possible overlooking is exaggerated by the significant different in land levels and the recent removal of all the vegetation/trees from the site. It is considered that screening of the eastern boundary should be proposed as part of the reserved matters application for landscaping, such to protect the amenities of the occupiers of no. 68 Hambro Avenue.
- 7.18 The previously approved application conditioned that the two bathroom windows on the southern elevation be obscure glazed and fixed shut above a height of 1.7m. This application proposes to increase the fenestration on the southern side and first floor and incorporate two dormer windows. The first floor windows to the bathroom could again be conditioned. It is not considered that unreasonable overlooking towards no. 136A would result from the stairs/landing area. The proposed dormers would likely be positioned such that some overlooking would be possible into the rear garden of no. 136A. These are not the only windows to the proposed second floor bedrooms and as such, provided a change in design of the windows, these could reasonably be conditioned to be obscure glazed and fix shut above a height of 1.7m, such preventing possible overlooking to the immediate neighbour at 136 Down Hall Road.
- 7.19 As mentioned above, no. 138A does have a side dormer that directly overlooks the application site and is within immediate proximity to the shared boundary. With the proposed building located at two storey within the same positioning as existing to the rear it is not likely that the dormer would be overshadowed or such that a detrimental loss of light would occur. Furthermore, no unreasonable overlooking is considered likely to occur to the neighbouring site. The proposed building is sited at two storey 1.1m further forward within its plot. Although the Council's 45° policy refers to extensions, used as an indicator in this case, the new siting of the building would not breach the 45°, as measured from the nearest front elevation window of no. 138A. It is not felt that the revised siting would adversely harm the amenities of the occupiers of no. 138A such that it would be justified to refuse planning permission on this basis.
- 7.20 The level of activity on the site associated with four one-bedroom flats is not considered likely to be significantly different to that if the building provided a single family household and 10/00339/OUT has already been approved for four one-bed flats.

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- 7.21 Off street parking for the site should be proposed in accordance with the standards, as detailed within 'Parking Standards, Good Design and Practice' (2009), which is adopted as a supplementary planning document. This document specifies that dwellings with one bedroom should provide a minimum of one off street parking space. As such, this development requires at least 4 parking spaces to be provided. These must be to the required dimensions of 2.9m x 5.5m. The application provides four off street spaces all to dimensions of at least 5.5m x 2.9m. No visitor parking is provided. The site is located on a bus route and is within walking distance to Rayleigh train station. As such, one space per flat is considered acceptable. No objections have been raised by the Highway Authority.
- 7.22 Policy HP11 part i states that the Local Authority will have regard to the impact of traffic on the amenities of surrounding dwellings. The four proposed one-bedroom flats are not considered likely to give rise to a significant increase in the volume of traffic to the area as to impact adversely upon the surrounding neighbours and 10/00339/OUT has already been approved for four one-bed flats.
- 7.23 Council policy stipulates that 25m² of useable amenity space should be provided per flat. The plans indicate that 102.3m² can be provided, excluding the small area (7.2m²) where the compost bins are to be located. The rear amenity space is considered to be to a sufficient size and complies with the Council guidance.
- 7.24 Supplementary Guidance to HP11 indicates the need for applicants to provide satisfactory space within the site for the storage of refuse. The refuse and recycling and storage facilities should be screened and located where they will not be detrimental to appearance and amenity. Consultations with the Council's recycling officer has determined that, for the proposed four flats, the following refuse bins will be required:-
- 4 x 240L communal recyclables
 - 2 x 180L non-recyclables bins
 - 2 x 140L compostables bins
- 7.25 As such, 8 refuse bins are likely to be required at this site. The plans indicate an area to the rear of the site to the northern side. Four bins are shown on the plans whereas it is likely that six will be required (compostables not in same location). Notwithstanding this, it is considered that six bins could fit within the site adequately.

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- 7.26 The location of the bins is within close proximity to the boundary with no. 138A, although this is to the far end of the garden. It is not unusual for neighbouring properties' bins to be within close proximity of shared boundaries. Furthermore, it is not likely with only four flats, that waste will amount to levels that would cause harm to the neighbouring property. If, however, smells and such like become a statutory nuisance then this matter could be investigated by Environmental Health.
- 7.27 **Essex County Highways:** No objection, subject to the following conditions:-
1. No unbound material in surface treatment of vehicular access within 6m of highway
 2. Means to prevent discharge of water from the site onto the highway
 3. Area within site for storage and reception of materials
 4. Developers responsible for provision and implementation of Travel information and marketing scheme for sustainable transport
- 7.28 Three letters have been received in response to the neighbour notification which that the following comments and objections:-
- No to flats.
 - Strongly object to having ten windows overlooking property at 136A Down Hall Road.
 - The development will result in lorries and traffic in the street, Preston Gardens is only narrow.
 - There are a lot of problems with the parking and this development will result in more vehicles blocking driveway.
 - The tenants of the flats will not park on their drive and where are the visitors going to park?
 - The double yellow lines should be extended up Preston Gardens.
 - The revised application brings the front wall of the new property closer to property at 138A, as both buildings are very close to the boundary.
 - Seems very unfair to allow such a large building to be erected so close to my smaller house, which will obviously devalue the property and make it difficult to sell.
 - 138 A will completely disappear from view from the road and cause a massive loss of day light to the house overall, due to the increased height and footprint of the new property at both the front and back.
 - There are already lots of vacant flats in the new developments immediately around Rayleigh station, so I can't imagine why anybody would want to buy one further from the station and High Street, so the property could potentially remain empty, surely a family home would be a much better option for everybody.

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REFUSE

- 1 The proposal, by way of the introduction of the large gabled feature projecting from the southern roof slope and two pitched roofed dormers, gives rise to a building form of greater bulk and mass that would prove overbearing and dominant within the context of the street, exacerbated by the elevated positioning of the site. The resultant appearance of the building, especially as viewing the property looking north, would appear overly large and intrusive within the context of the street, out of character and scale with the prevailing locality and in conflict with parts (ix) and (x) of Policy HP6 of the Local Plan and part (iii) of Policy HP11.

Relevant Development Plan Policies and Proposals

HP6, HP11, of the Rochford District Council Adopted Replacement Local Plan 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. (5 June 2009)

C3 Parking Standards Design and Good Practice Essex County Council and Essex Planning Officers Association September 2009

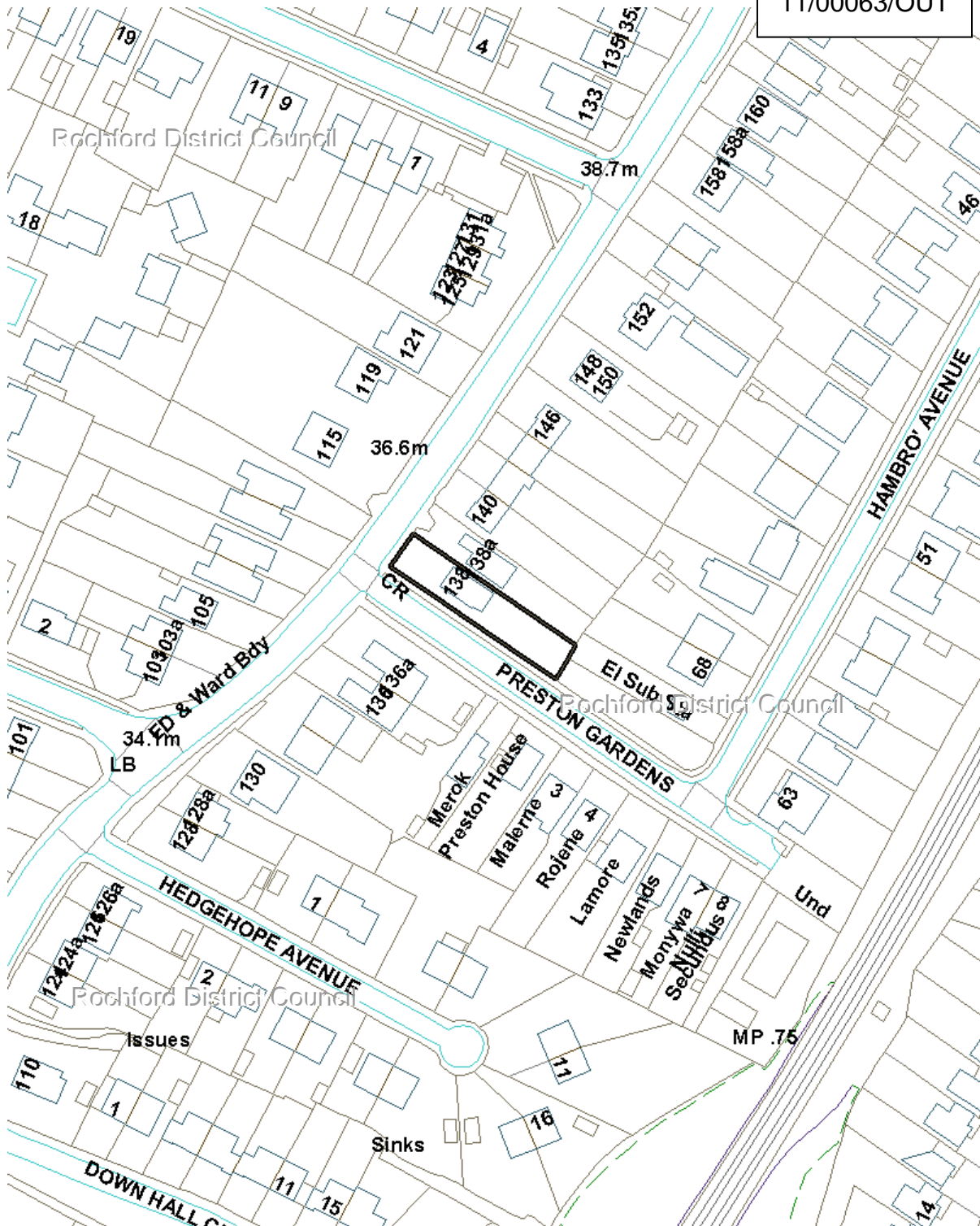


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Simpson on (01702) 546366.

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