

APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1473 – 3 May 2019

18/01064/FUL

LAND REAR OF 37 AND 39 DOWN HALL ROAD, RAYLEIGH

**PROPOSED TWO DETACHED THREE-BEDROOM
DWELLINGS WITH PRIVATE ACCESS DRIVEWAY FROM
CHEAPSIDE EAST**

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1473 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 8 May 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr Mrs J R Lumley referred this item on the grounds that the proposed access is narrow in the context of service vehicles and parking, detrimental impact on the character of the area and lack of reference to the impact on neighbours in Oakwood Road.
- 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.

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Application No: 18/01064/FUL Zoning : Residential
Case Officer: Ms Katie Ellis
Parish: Rayleigh Town Council
Ward: Sweyne Park And Grange
Location: Land Rear Of 37 And 39 Down Hall Road Rayleigh
Proposal: Proposed Two Detached Three Bedroom Dwellings
With Private Access Driveway From Cheapside East

SITE AND PROPOSAL

ASSESSMENT

- 1 The application property lies within the existing residential area where there are no specific allocation polices. The main considerations are whether the development is appropriate backland development, the impact on the character and appearance of the area, the neighbouring occupiers and highway safety.
- 2 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 but advises that there are likely to be circumstances where development of residential gardens will be inappropriate and should be resisted (para.70). 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 (para.124).
- 3 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 (para. 130).
- 4 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.

5. 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.
6. Whilst the principle of development is not objected to, the main issues and acceptability of the development are the material considerations explored below.

Impact on the Character of the Area

7. The application site forms part of the residential curtilage for Nos. 37, 39 and 41 Down Hall Road. Access is proposed to be gained from an existing access off Cheapside East. Part of the site is occupied by a row of garages.
8. Down Hall Road and Cheapside East consist a mixed built form which differ in architectural styles. In considering the mixed character and appearance of the surrounding area, with significant variations in height, scale and design, there are no requirements in this location to follow distinctly on design.
9. The proposed plot would achieve a 21.2m plot width. A 1m separation distance would be achieved between the dwellings and a separation of 1.3m to the flank boundaries in accordance with the Council's Supplementary Planning Document 2 - Housing Design.
10. The layout, scale and bulk of the development are comparable to that of other dwellings in the vicinity of the site as well as the immediate surroundings.
11. With regard to the detailed appearance of the proposed dwellings, the proposed dwellings are mirrored. Each dwelling would incorporate a gabled roof form with half dormers in the front and rear roof scape. A traditional design has been applied to the dwellings whereby it would be finished in brick and timber board cladding together with grey pantile roof tiles. The proposed mixed palette of materials would harmonise with the surrounding streetscene. The massing would be generally well articulated with vertically proportioned fenestration creating a well-balanced building. The articulated form of the proposed dwelling creates visual interest.
12. The immediate streetscene and the surrounding areas consist of an eclectic mix of dwellings, from traditional dwellings to modern, contemporary homes. The proposed development would appear commensurate in scale with dwellings within the area and it is therefore not considered that the scale, bulk, height and appearance of the proposed dwellings would result in demonstrable harm upon the character and appearance of the area thus

complying with the stipulations of policy H1 of the Core Strategy and DM3 of the Development Management Plan and the NPPF.

Impact on Residential Amenity

13. The site is irregular in shape but the area where the dwellings are proposed to be situated is rectangular, albeit the rear boundary splays. At least 11.4m would occur between the proposed rear elevations at the rear boundary each plot. A 30m distance would occur between the proposed front elevations and the rear of Nos. 37 and 39. At least a 28m distance would exist between the No.9 Cheapside East. It is considered there are sufficient distances between the proposed dwellings and the residential properties to the north, east, south and west so as not to have a significant overbearing impact upon the neighbouring occupiers.
14. Windows would exist at first floor level in the northern and southern flank elevations. These would serve a bedroom but would appear secondary in nature. A condition requiring obscure glazing of the windows in these elevations is recommended to mitigate against the potential for overlooking upon the neighbouring property to the north and south.
15. The proposed fenestration in all elevations has been carefully positioned and there are sufficient distances between the proposed development and the surrounding residential properties to not overlook the private amenity space of the surrounding residential properties. The proposal conforms to the 45o rule, from adjacent ground floor, habitable windows. The proposed development is considered to comply with policy DM1 and DM3 of the Development Management Plan.

Garden Size

16. 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.
17. The SPD2 requires a minimum 100m² garden area for all new dwellings. The proposed development provides rear private amenity spaces of 120 and 133 square metres and in excess of this requirement and therefore satisfying the outdoor requirements set out in the SPD2.

Sustainability

18. 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.

19. 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.
20. 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. The proposed dwellings would be three-bed properties. A three-bed, 5-person dwelling over two storeys would require a minimum Gross Internal Area of 93 square metres with 2.5 square metres of built-in storage. The dwellings would have a GIA of some 98 square metres including space to accommodate some 2.5 square metres of built-in storage. The proposed dwellings would meet the national space standard.
21. 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.
22. 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.

Parking

23. 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.
24. The proposed development would utilise a vehicular crossover onto Cheapside East. Currently there are five garages which would be retained as part of this proposal and it is intended that these garages would be used by the future occupants of the proposed dwellings. These garages are currently used by the occupants of no's 37 to 41; however, there are adequate off-street car parking provision at the front of these dwellings off Downhall Road and therefore the existing garages are surplus to requirements.

25. Whilst these garages do not measure to the desired dimensions as stipulated in the Parking Standards, it is an existing car parking arrangement that is considered adequate to accommodate off-street parking provision for two dwellings which would be in the form of two car parking spaces per dwelling plus one visitor space. If necessary, additional car parking spaces can be accommodated to the front of the garages measuring to the required dimensions. The existing access measures 2.4m wide and would remain unaltered. The width of the driveway is considered to be adequate.
26. The County Highway Authority concur with this approach and no objections have been raised subject to appropriate conditions.
27. Each proposed dwelling would have an adequate amount of off-street car parking in accordance with the Parking Standards. 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 & Trees

28. 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 the site comprises well maintained closely mown garden areas.
29. There are ten trees and a group of trees located on the site. Policy DM25 looks to seek to conserve existing trees and hedgerows. An Arboricultural Impact Assessment prepared by Hallwood Associates accompanies this application.
30. Some of the trees and hedgerow would have to be removed to facilitate the development. It has been identified that one tree is due for removal as a result of its poor condition. Four trees, one hedge and a group of trees are proposed to be removed to facilitate this development, but due to their relatively low amenity value or poor conditions they are not worthy of influencing any layout. One tree is at risk of damage through the root protection area disturbance.
31. The remainder of the trees would be retained, and protective methods would be employed. Additionally, new boundary hedge and tree planting would take place as part of the proposal.
32. A Tree Survey and Schedule and a Tree Protection Plan has been provided which is in accordance with the principles laid out within BS:5837:2012. The Council's Arboricultural Officer has been consulted as part of this application and raises no objection subject to a condition protecting the retained trees in accordance with the Tree Impact Assessment and the accompanying Tree Protection Plan as supplied by Hallwood Associates.

Landscaping

33. An area of hardstanding with areas of soft landscaping would feature along the site frontage of the proposed dwellings. In terms of materials and finishes to landscaped areas, no details have been provided. Land to the rear providing amenity space would feature a laid lawn.

RELEVANT HISTORY

15/00490/FUL - WITHDRAWN - Proposed 2no Detached 3-bed Houses with Private Access Driveway from Cheapside East. Parking to be Provided to Rear of No. 4 Downhall Road

18/00257/FUL - APPRET (Application returned) - Proposed Two Detached Three Bedroom Dwellings with Private Access Driveway from Cheapside East

Representations:

34. RAYLEIGH TOWN COUNCIL - Objects on the basis of the narrow access would not be able to accommodate emergency vehicles and service vehicles.
35. ESSEX COUNTY COUNCIL HIGHWAY AUTHORITY - No objections subject to appropriate conditions relating to the provision of two on-site vehicular parking spaces per dwelling, no discharge of surface water onto the highway, no unbound material shall be within 6m of the highway, loading and unloading of materials within the curtilage of the dwelling and travel pack information must be supplied.
36. ROCHFORD DISTRICT COUNCIL ARBORICULTURAL OFFICER - No objection subject to a condition that the development must be carried out in accordance with arboricultural impact assessment and tree protection plan.
37. NEIGHBOUR COMMENTS
38. Comments have been received from the following addresses;

Cheapside East : 5, 9, 13.
Down Hall Road:43.

39. and which in the main make the following comments and objections;
- The properties are two storeys and concerns are raised of overlooking into residential gardens;
 - Concerns of localised flooding as the natural ground conditions is clay;
 - Lack of visibility from the existing access;
 - Devaluation of the surrounding properties due to back land development;
 - Disturbance towards nature;

- Boundary dispute as the neighbour is claiming that part of their land has been stolen;
- The current garages are undersized and concerns that the vehicles will park along Cheapside East;
- Driveway/isolation distance is not suitable for heavy, emergency or refuse vehicles;
- The addition of two dwellings will increase the amount of vehicles using the access creating additional noise;
- No waiting/parking space at the entrance to shared driveway. With no footpath will mean cars waiting to enter the drive will be blocking the road where parking restrictions apply;
- The width of the right of way is 2.342m. The current medium sized Transit vans are 1.986m wide. This leaves a clearance of 178mm each side which obviously is very small. There have been on occasions damage to boundary walls;
- There are no dimensions shown on the application nor is there any indication of how the developer intends to provide services, i.e. gas, electric and sewerage;
- The existing access is not wide enough for cars to pass/turn around or reverse. Damage has previously been caused to the houses either side of the access;
- Would there be any indication of the strengthening of the existing access to accommodate increased usage and weight of vehicles;
- Request of a site management plan
- The service provision must not trespass over land
- Pedestrians and vehicles cannot pass at the same time when using the access
- The garages are used by the owners, this will cause a conflict with the proposed parking arrangement
- Garages are not suitable for parking as they are too small
- The existing trees offer screening and should not be removed
- There are restrictions to the exiting access given its width which is sometimes troublesome when trying to access the garages
- Cheapside East has parking restrictions but is often busy during unrestricted hours
- Concerns over how emergency and delivery vehicles would gain access to the proposed dwellings
- Overlooking would occur
- Trees have been previously cut down which has reduced local wildlife
- Loss of a view due to the removal of trees
- Objects against any security lights
- Concern over collection of waste as a refuse truck is too large to fit along the access

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:

Drg. Nos. D0618342 - L01 Rev. A, L02 Rev. A, L03 No revision, L04 No revision and L05 Rev. A.
- 3 Prior to commencement, 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.
- 4 Prior to occupation of the development hereby approved, two on-site parking spaces per dwelling, each with a minimum dimension of 2.9m by 5.5m shall be retained at the site in perpetuity.
- 5 The window(s) to be created in the first floor northern and southern elevations shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.
- 6 The development hereby permitted, shall be carried out in accordance with the approved Arboricultural Impact Assessment and the accompanying tree protection plan prepared by Hallwood Associates submitted in support of the application. The approved scheme for the protection of the existing trees shall be implemented before development commences and shall be maintained in full until the development has been completed.

- 7 The development shall not be occupied 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 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 including at least two trees (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 artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc).

Such agreed details shall be implemented in their 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.

- 8 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.
- 9 There shall be no discharge of surface water from the development onto the highway.
- 10 No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework 2019

Core Strategy Adopted Version (December 2011) - policies CP1, H1, H6, ENV9

Development Management Plan (December 2014) - policies DM1, DM3, DM4, DM25, DM27, DM30

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

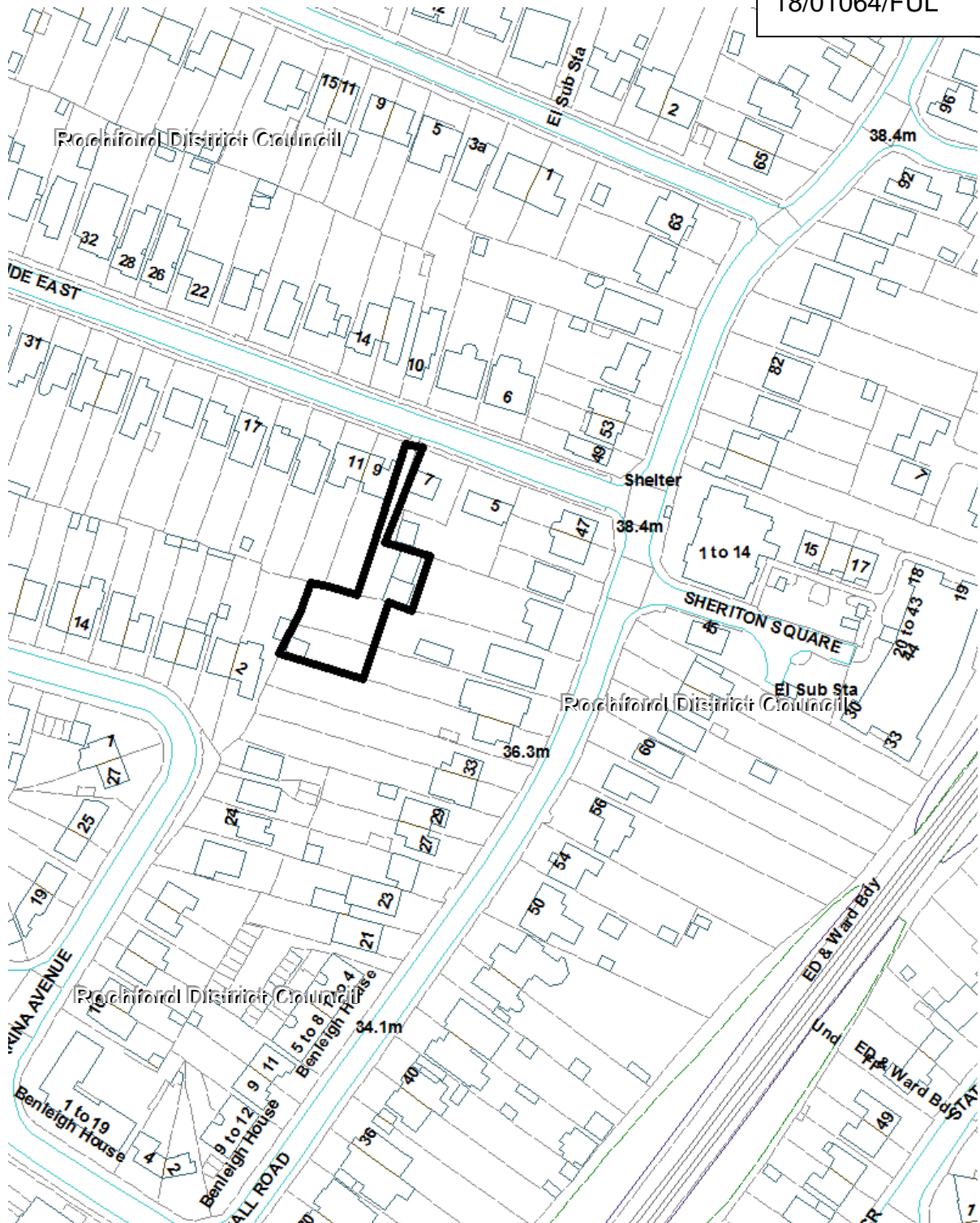
Supplementary Planning Document 2 (January 2007) - Housing Design

The Essex Design Guide (2018)

Natural England Standing Advice

The local Ward Member(s) for the above application are Cllr Mrs J R Lumley Cllr T E Mountain Cllr Mrs C A Pavelin

18/01064/FUL



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