
15/00591/FUL

LAND REAR OF 14 MAIN ROAD HAWKWELL

DEMOLISH EXISTING DWELLING TO REAR BOUNDARY AND EXISTING GREEN HOUSE AND CONSTRUCT 1 NO. DETACHED BUNGALOW AND DETACHED GARAGE WITH ADDITIONAL DETACHED GARAGE TO SERVE THE EXISTING DWELLING HOUSE (NO. 14) TO REMAIN AND CONSTRUCT NEW GARDEN WALL. PROVIDE NEW VEHICULAR CROSSOVER AND DRIVEWAY TO PROPOSED NEW BUNGALOW

APPLICANT: MR P BOXELL

ZONING: METROPOLITAN GREEN BELT

PARISH: HAWKWELL

WARD: HAWKWELL WEST

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

This application was included in Weekly List No. 1328 requiring notification of referrals to the Director by 1.00pm on Wednesday 6th April 2016 with any applications being referred to this Meeting of the Committee. The item was referred by Cllr Mrs H L A Glynn on the grounds that the site has an existing lawful dwelling and, as such, there should be further discussion around the existing residential use on site, in terms of size and scale against the proposed new dwelling and whether this impact justifies a refusal under Green Belt grounds.

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

1 NOTES

- 1.1 Planning permission is sought to remove an existing out building that is authorised for use as a dwelling, together with the removal of other out buildings and greenhouse and construct one detached three-bedroomed bungalow with a detached garage, a further detached garage to serve the existing dwelling of Number 14, and alterations to the access. The site is an area of land incorporating some existing buildings and is sited within the Metropolitan Green Belt (MGB). To the north of the site planning permission was granted on 10 October 2012 to 'demolish existing dwelling and construct

development of 176 houses with access off Thorpe Road, access off Clements Hall Way, access for one plot off Rectory Road, road network, cycle way and footpath network, Public open space, landscaping and location of high pressure gas main' (Reference: 12/00381/FUL), which is now complete. To the southern boundary of the site are the residential properties No. 12, 14 and 20. To the west is open land and boundary with the residential property No. 22 and to the east are the residential properties No. 12 Main Road and No. 82, 84, 86 and 88 Thorpe Road.

- 1.2 The proposal is for the erection of one detached bungalow accessed from a new private driveway between No. 14 and No. 20 Main Road. A detached garage is proposed to the proposed bungalow and also to the host property. The bungalow would have a maximum width of some 15.8 metres and a maximum depth of some 12.5 metres. It would have a maximum height of 5.75 metres. There are no rooms proposed in the roof space.

2 PLANNING HISTORY (SINCE THE 1990S)

- 2.1 ROC/190/52 - Erection of detached bungalow - Approved 10 November 1952
- 2.2 ROC/33/67 - Erection of a green house - Approved 31 January 1967
- 2.3 ROC/580/85 - Outline application to erect 1 dwelling - Withdrawn/refused
- 2.4 ROC/10/87 - Add two storey side extension, dormer windows and porch - Approved 7 July 1987
- 2.5 13/00486/LDC - Existing single storey building for residential use separate to the main property - Approved 1 August 2013
- 2.6 13/00394/FUL - Remove existing out building and construct 3 no. detached three-bedroomed bungalows with detached garages. Alterations to access to include piping of part of ditch - Refused on 22 August 2013 for the following reasons. The application was also dismissed on appeal.

1. The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. The proposal would involve the construction of new buildings considered to be inappropriate development contrary to Paragraph 89 to the National Planning Policy Framework (2012). Within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions as defined in Policy R5 of the Local Plan or other policy compliant exceptions). Any development which is permitted shall be of a scale, design and siting, such that the appearance of the countryside is not impaired.

No very special circumstances put forward by the applicant outweigh the harm to openness of the Green Belt that would be caused by the

construction of new residential dwellings. If allowed the development would be inappropriate, leading to the gradual and incremental loss of openness from increased built form to that part of the Green Belt in which the site is situated.

2. The ecological survey that has been provided within this application shows that the habitat would appear to be suitable for protected species. However the lack of necessary information to assess the ecological impact, the Council is unable to determine the impacts of the proposed development upon wildlife and potentially protected species. Supplementary Planning Document 2 at paragraph 14.2 explains that applications for backland development will need to show that the proposal will not result in any adverse impact upon biodiversity. Limited information has been submitted to ensure that such adverse impact would not occur and the potential implications of the proposal for ecological species that may be present on the site has not been sufficiently addressed.
3. Lack of information has been provided within this application regarding T67 oak tree subject to Tree Preservation Order Reference: TPO/00007/13 and the off site hedgerow to enable the Council to be confident that they will not be irreparably harmed by the proposal or the subsequent relationship and pressures that will be created between the occupiers of plot 3 and the preserved oak tree.
4. The garages proposed would be of a poor design and of a scale that is at odds with the proposed development and surrounding properties, thus having a poor relationship contrary to policy HP6 (ix and x) of the Rochford District Replacement Local Plan (2006)

3 MATERIAL CONSIDERATIONS

- 3.1 The site falls within the Green Belt as defined by the Rochford District Replacement Local Plan, where policies controlling development are very restrictive. The Government attaches great importance to Green Belts and their essential characteristics, their openness and their permanence, by imposing restrictive policies on development within land designated as Green Belt, contained within paragraphs 79 - 92 of the NPPF.
- 3.2 Policy GB1 of the Local Development Framework Core Strategy seeks to direct development away from the Green Belt.
- 3.3 Within the Green Belt, development that consists of the construction of new buildings is considered to be inappropriate development unless the new buildings are required for one of the purposes identified in the NPPF.
- 3.4 It is argued by the applicant that the land can be described as previously developed and as such falls within the special circumstance of 'limited infilling

or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use'.

- 3.5 It is acknowledged that the site was once a nursery and as such does not fall within this definition as it would be defined as land that is or has been occupied by agricultural or forestry buildings. Therefore the land is excluded from this definition as detailed on page 55 of the NPPF.
- 3.6 On the site there were a collection of various ancillary buildings including an old redundant green house, which is not deemed to be useable due to the overgrown nature of the area. Other ancillary buildings could be seen to the rear boundary and are subject of a pending enforcement case for the unlawful use of an independent dwelling and the change of use of the land from a nursery to a builder's yard.
- 3.7 Whilst the land does not qualify under the previously developed land definition, even if it did the appearance of a green house or other similar structures used in association with a nursery business is greatly different than the erection of a dwelling, which would result in a greater impact regarding the openness of the greenbelt.

Replacement of an Existing Dwelling in the Green Belt

- 3.8 Policy DM21 of the Rochford District Council Development Management Plan considers that the replacement or rebuild of existing dwellings in the Green Belt when taking into account the following:
- (i). The total size of the dwelling should result in no more than a 25% increase in floor space of the original dwelling;
 - (ii). The condition of the original dwelling (derelict or abandoned properties are not considered part of the housing stock, and therefore permission will not be granted for their redevelopment for housing;
 - (iii). The visual mass and bulk of the new dwelling should not be significantly larger than that of the existing dwelling. The overall height of the replacement dwelling should not exceed that of the existing dwelling, unless a modest increase in height can be justified on design or visual amenity grounds.
 - (iv). A replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative location is proposed where it can be demonstrated that it would be a more appropriate siting in the Green Belt in terms of the impact of openness or amenity.
- 3.9 In order for the proposal to be considered as a replacement dwelling for the existing bungalow to be demolished to the rear of the site, it must meet the above criteria. The existing bungalow to the rear of the plot has a total floor

area of 75.77 square metres and the floor area of the proposed dwelling would be some 119 square metres. A 25% increase would allow for a replacement dwelling with a floor space of 95 square metres. The proposed dwelling would have a floor space which would be 57% greater than the floor space of the original dwelling, contrary to part (i) of Policy DM21.

- 3.10 The condition of the original bungalow is considered acceptable and therefore part (ii) would be met.
- 3.11 The visual mass and bulk would be larger than the existing bungalow, mainly due to the overall height of the proposed dwelling which would be substantially greater than that of the existing bungalow, which has a height of just 3 metres. The height of the proposed bungalow at a height of 5.75 metres would almost double the height of the existing bungalow to be demolished and would therefore be contrary to part (iii) of Policy DM21.
- 3.12 The siting of the proposed dwelling, whilst in a slightly different location, would not be considered unacceptable. It would be sited away from the boundary which would be more acceptable in terms of the residential amenity of the dwellings to the rear. The proposal would therefore be considered acceptable in relation to part (iv) of Policy DM21.

Design and Layout

- 3.13 The site is located to the rear of an established street pattern of relatively low rise dwellings and includes bungalows and chalet style properties.
- 3.14 The scale, bulk and mass of the proposed bungalow is similar to that existing within the vicinity of the site.
- 3.15 The bungalows would have varying roof elements that would be hipped, thus helping to reduce the overall bulk of the dwelling when viewed from the front and rear of the proposed dwelling. The northern side elevation would consist of a gable end which would face the rear of the properties on Badgers Walk.
- 3.16 It is, however, considered that overall the bungalow is of a pleasant appearance and has features which create interest.
- 3.17 Two garages are to be considered as part of this application. One of the garages would serve the main dwelling and one would serve the proposed dwelling. The garages proposed would have a height of some 4.5 metres and a pitched roof.
- 3.18 Policy H1 states that limited infilling will be considered acceptable provided it contributes towards housing supply, providing it relates well to the existing street pattern, density and character of the locality. Policy DM3 of the Rochford District Council Development Management Plan also highlights the importance that backland development should have a good relationship within its locality.

- 3.19 It is clear that whilst the bungalows have adequate frontages that appear in proportion, back land development within this area is not a feature. The properties fronting Main Road have long generous rear gardens and the proposed development would extend the amount of residential area interrupting the established pattern of existing development and would be out of character with the area.
- 3.20 SPD2 requires that 100 square metres of garden area is provided for the new dwelling and the garden to the proposed dwelling would exceed this requirement.

Impact on Neighbouring Properties

- 3.21 Due to the nature of the development (backland) there are a number of residential properties surrounding the site.
- 3.22 As previously mentioned, the site is surrounded by a mixture of bungalows and chalet style properties to the south and east, to the north is a development of some 175 houses, part of which are visible backing onto the proposed site.
- 3.23 The Essex Design Guide states that where development backs onto the rear of existing housing, residents are entitled to a greater degree of privacy to their rear garden boundary.
- 3.24 The existing housing is of a reasonable distance away from the proposed development. The houses to the rear of the site have rear garden depths of approximately 15m but would face the side elevation of the proposed dwelling.
- 3.25 The houses to the east of the site (82 to 88 Thorpe Road) would have rear gardens facing the rear elevation of the proposed dwelling. There would be a distance of some 10 metres from the rear elevation of the proposed dwelling to the eastern boundary of the site. The neighbouring dwellings on Thorpe Road have rear gardens which exceed 20 metres in depth.
- 3.26 The garden to the proposed bungalow would be sited to the western side of the plot and would have a depth of some 22 metres.
- 3.27 It is unlikely that the proposed bungalow would cause overlooking to the houses as all living would be carried out at ground floor level. However, due to the low rise nature of the area it would not seem unreasonable to remove permitted development rights to the proposed bungalow if planning permission is granted, particularly regarding rooms in the roof.
- 3.28 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 dwelling proposed in this application is a 3-bedroom 5 person bungalow.

3.29 The assessment of the properties against these standards is as follows:-

- a) The gross internal floor area of a 3-bedroomed 5 person bungalow should be 86 square metres. The gross internal floor area proposed is some 119 square metres. A minimum of 2.5 square metres of built in storage is required. No built in storage is proposed, however, the proposed dwelling would have sufficient space to accommodate this. The proposal would comply with this standard.
- b) Requirement that for a dwelling of two or more bed spaces there is at least one double bedroom. The proposal includes two bedrooms that would meet the requirements for a double bedroom.
- c) In order to provide one bed space, a single bedroom requires a floor area of at least 7.5 square metres and a width of at least 2.15 metres. The proposal would comply with this standard.
- d) Requirement that in order to provide two bed spaces, a double or twin bedroom has a floor area of at least 11.5 square metres. The proposed layout would achieve two double bedrooms with floor areas in excess of the requirement. 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. Both double bedrooms proposed have a width in excess of 3 metres. The proposal would comply with this standard.
- f) Any area with a head room of less than 1.5 metres is not counted within the gross internal area.
- g) There are no parts of the dwellings proposed that would have a head room 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 minimum width is still obtainable with the inclusion of built in storage.
- i) The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area. The proposal would comply with this standard.

3.30 The dwelling proposed complies with the space standards for a 3-bedroom 5 person bungalow.

Highways

- 3.31 Essex Parking Standards: Design and Good Practice (2009) states that a property with two or more bedrooms requires two parking spaces. Both properties on the site would have a garage that meets the required dimensions, in addition to a separate parking bay measuring 6m x 3m in front of each garage. The proposal would meet the requirements of the Essex Parking Standards, as set out in the Parking Standards: Design and Good Practice Supplementary Planning Document 2009.
- 3.32 A new access is proposed to serve the new dwelling. This is considered acceptable by Essex County Council Highways.
- 3.33 On site a hedge could be seen to the front boundary of No. 20. This hedge is not considered to interfere with the sight splay to such a degree that would warrant a refusal.

Trees and Ecology

- 3.34 There are a number of trees within the site, many of which would be cleared if the proposed development were to be approved. It is noted that there are a number of trees and shrubs along the boundaries of the site. Mature cypress trees could be seen but are a considerable distance off site, these are of reasonable quality but do not have good long term potential.
- 3.35 The RDC arboriculturalist visited the site and a TPO was served on an oak (T67) to the rear of the site. Since the visit and consultation response from the RDC arboriculturalist was received, a revised plan has been submitted, which addresses the concerns relating to the proximity of the garage, which has been moved to an alternate location and addresses the previous concerns.
- 3.36 A tree protection plan would be required to be submitted, should the application be granted permission.
- 3.37 With regard to the ecology on site, an ecological appraisal has been submitted, although the site is not on or adjacent to a local wildlife site. The ecological appraisal provides a good description of the site and its potential to support protected species highlighting that targeted surveys should be carried out prior to a submission of the planning application.

4 REPRESENTATIONS

- 4.1 HAWKWELL PARISH COUNCIL: My Council objects to this application on the grounds that the site is in the Green Belt and it would result in the loss of a number of trees with Tree Preservation Orders and a hedgerow.

- 4.2 ESSEX COUNTY COUNCIL HIGHWAYS: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:-
1. Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
 2. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway, as shown on the submitted drawing number 5. 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.
 3. Each dwelling shall be provided with two parking spaces with dimensions in accordance with current standards.
 4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 5. There shall be no discharge of surface water onto the highway.
 6. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials shall be identified clear of the highway.
 7. Prior to first 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. One Residential Travel Information Pack shall be provided for each dwelling.
- 4.3 TREES AND ECOLOGY: The site contains 1 tree subject of TPO, number TPO 07/13 (T1 oak situated to the western aspect of the site).
- 4.4 A tree survey and constraints plan has been provided with the application; unfortunately, there is no tree protection plan provided that shows the proposal aligned with the retained trees, it is therefore difficult to determine the impact of the proposal on the retained tree stock.
- 4.5 From what I can see, using the constraints plan provided (number 0s623 13.2) and the layout plan (Drawing Number 5), there may be an issue with the proposed location of the garage and trees numbered T67, T68, T66, T65 and

G3, all shown to be retained on the tree survey plan, although only the oak is shown on the layout drawing, which I presume is T67 and is subject to TPO.

- 4.6 I would recommend the applicant supply a tree protection plan that shows all trees to be retained aligned with the proposal; this should detail the following:-
- 4.7 Trees identified for retention and those indicated for removal (normally shown in black).
- 4.8 Location and type of tree protection.
- 4.9 Special construction techniques required to facilitate construction whilst protecting the retained trees.
- 4.10 Areas for site storage and contractors parking.
- 4.11 Depending on the above, it may be prudent to move the garage northwards to allow full barrier protection and reduce the need for special construction techniques that may be required if the proposed garage falls within any RPA of the retained trees.
- 4.12 LONDON SOUTHEND AIRPORT: No safeguarding objections.
- 4.13 NEIGHBOUR REPRESENTATIONS
- 4.14 Four neighbour letters have been received, which in the main make the following points:-
- 4.15 Main Road: 20
- 4.16 Thorpe Road: 82, 84, 86
- I do not object to the bungalow and garages, but I wish he would cut down the tree that hangs over my small bungalow.
 - The area is now becoming over-developed and the people that seem to be paying for this are the original occupants.
 - I live at the back of the proposed development and do not wish to look out onto a gable end of a new house from my window; the view I have at the moment is a view I would like to keep.
 - It looks to me as soon as it is built there will be an ideal opportunity to create rooms in the roof, thus making the building even bigger.
 - I also have concerns about the noise due to the increased number of cars coming and going from the property.

- Application was submitted on the grounds of there being an existing dwelling, when in fact this was merely a shack that someone moved into.
- The new plans do not fall in the existing building's footprint.
- Many of the current trees will have to be removed to build the proposed dwelling. All we will see are the new dwellings roof rather than the few remaining trees.
- We have gone from a rural area to a large housing development and from a quiet unmade road to a busy racetrack cut through.
- If the application is agreed we believe that permitted development rights should be removed to prevent potential overlooking.
- The proposed development would run directly along the rear of four bungalows along the unmade end of Thorpe Road.
- We have suffered extreme disruption from the David Wilson Homes development and it was my understanding that no other sites would be looked at in this location. It is also my understanding that no additional allocation is required under SER4. It would therefore be unjust if this was ignored and we had to endure development on two sides of our properties.
- The rear of the properties in Main Road are part of the Metropolitan Green Belt and therefore the replacement footprint should be no greater than the original to be demolished.
- To allow this would have the effect of further urbanisation of a newly developed area and would impact on the openness and character of the area at large.
- It is also a case of garden grabbing, which the Conservative government said should stop.

5 RECOMMENDATION

5.1 It is proposed that the Committee **RESOLVES**

That the application be refused for the following reasons:-

- (1) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. The proposal would involve the construction of a new building considered to be inappropriate development contrary to Paragraph 89 to the National Planning Policy Framework (2012). Within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing

buildings (other than reasonable extensions as defined in Policy R5 of the Local Plan or other policy compliant exceptions). Any development that is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.

No very special circumstances put forward by the applicant outweigh the harm to openness of the Green Belt that would be caused by the construction of new residential dwellings. If allowed, the development would be inappropriate, leading to the gradual and incremental loss of openness from increased built form to that part of the Green Belt in which the site is situated.

STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the basis of the reasons for refusal, which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development in line with the Council's pre-application advice service.



Christine Lyons
Assistant Director, Planning Services

Relevant Development Plan Policies and Proposals

Policies H1, H6, CP1, T1 and T8 of the Core Strategy 2011

Policies DM3, DM21, DM30 of the Rochford District Council Development Management Plan 2014

Supplementary Planning Document 2

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2009

National Planning Policy Framework

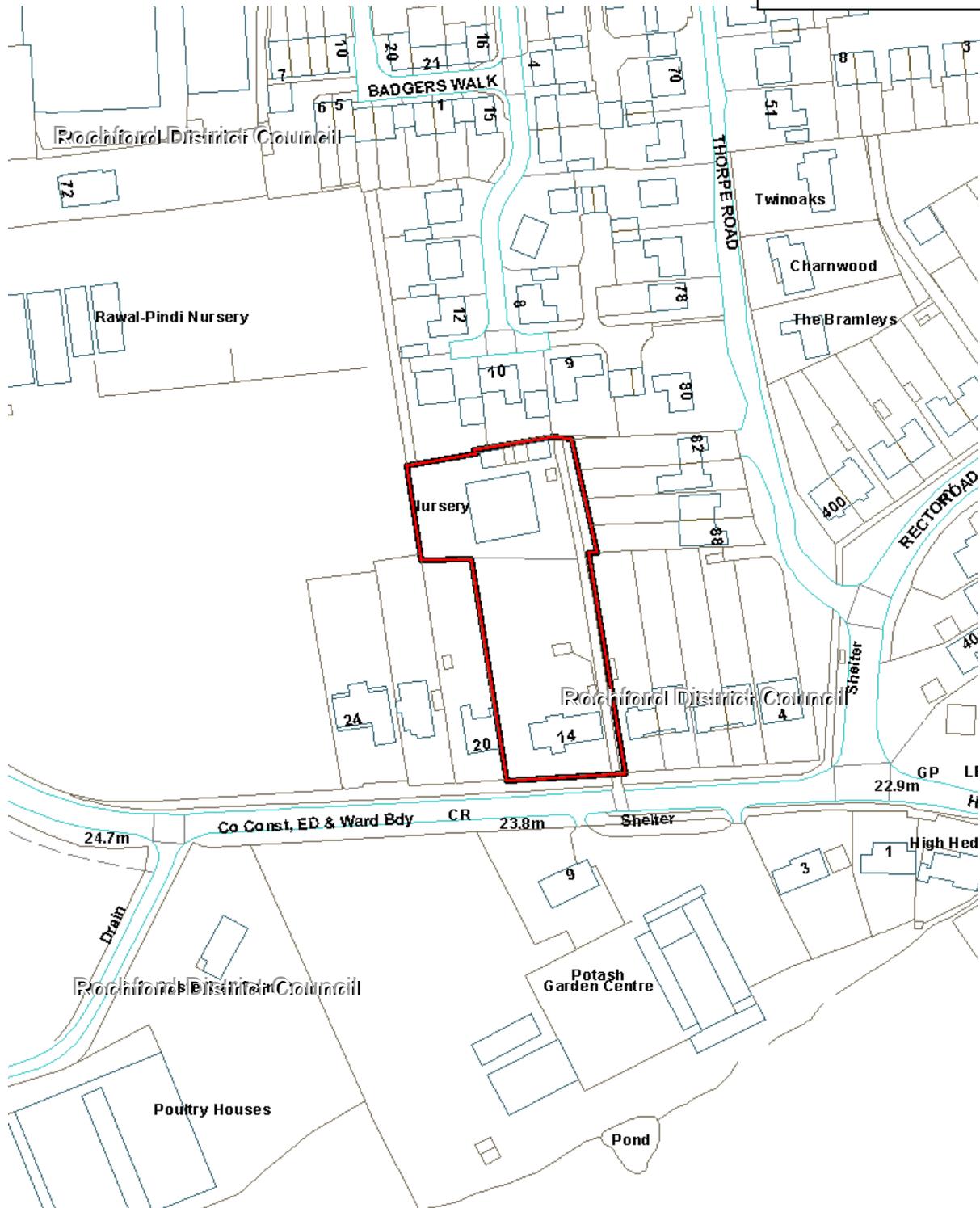
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