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**12/00681/FUL**

**PROPOSED DETACHED 4-BED HOUSE WITH ATTACHED GARAGE**

**LAND ADJACENT TO 18 EASTERN ROAD RAYLEIGH**

**APPLICANT: MR T AND M WITHRINGTON**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH**

**WARD: WHEATLEY**

**1 PLANNING APPLICATION DETAILS**

- 1.1 The proposal is to erect a four-bed detached house with an attached garage.
- 1.2 The main part of the dwelling would be broadly rectangular in form with the side elevations being the lengthier. The house would have a hipped roof with a secondary 2 storey feature gable projection to the street elevation. Attached to the southern side of the property would be a single storey garage/utility projection with the front elevation angled at 30° away from the property.

**2 THE SITE**

- 2.1 The site is within the urban area of Rayleigh approximately 500m south west of the town centre. It is within an established residential area consisting of mixed properties but predominantly of detached two storey houses or chalets erected from the 1950s onwards.
- 2.2 The site presently forms the garden area to the northern side of the dwelling at 18 Eastern Road. This property is a detached 2 storey dwelling situated on a corner plot, which has a total site area of 800m<sup>2</sup>.
- 2.3 It is proposed to allocate 338m<sup>2</sup> of land for the development site, which would equate to a density of 30 dwellings per hectare. The site has an irregular shape with a frontage of 21m onto Eastern Road, which narrows to 8m at the rear of the site. The site is flat laid to lawn with some shrubs and a row of Leylandii Cypresses to a height of 10ft plus along part of the northern side boundary.
- 2.4 The site would have a highway frontage onto Eastern Road on its eastern side. The southern boundary would be with 18 Eastern Road and the rear boundary would be to the side of the 17m deep rear garden of 2 Kingswood Crescent. To the north is a driveway leading to a bungalow recently built in

the rear garden of a detached house at 16 Eastern Road, now known as 16A Eastern Road. Members may recall this application for a bungalow, 09/00477/FUL, which had a recommendation for approval from officers overturned by the Development Committee. There was also a tandem application, 09/00478/FUL, for two bungalows on the site, which was recommended for refusal and refused. The applicant appealed against the two decisions and the appeal for the single bungalow was allowed.

### **3 RELEVANT PLANNING HISTORY**

#### **3.1 Application No. 09/00054/FUL**

Construct Detached Four Bedroomed House With Attached Single Storey Garage and Construct New Vehicular Crossing and Access.

The proposal for a similar house was recommended for approval by officers on a Weekly List but was referred to Committee and refused on 21 April 2009 by the Development Committee.

The reason for refusal on the Decision Notice being:-

The proposed dwelling, positioned forward in advance of the others in the street, given its bulk, siting and height on this restricted plot, would be visually intrusive in the street scene and constitute an over-development of the site. This is compounded by the awkward residual arrangement indicated for 18 Eastern Road, whereby the amenity space relies on the existing open front garden immediately in front of the principal street aspect of the dwelling being screened off as a private garden space and resulting in a diminution of this principal street aspect of the dwelling.

Although not a reason for refusal on the Decision Notice, Members also found that:-

- 3.2 The proposed two storey house would result in overlooking and a loss of privacy for adjoining residents, reducing the level of amenity they currently enjoy, particularly the occupiers of 2 Kingswood Chase.

### **4 CONSULTATIONS AND REPRESENTATIONS**

#### **Rayleigh Town Council**

- 4.1 No objection.

#### **Essex County Council Highways**

- 4.2 Essex County Council as the Highway Authority does not wish to raise objection to the proposals, subject to the following conditions being attached.

1. 2 vehicular hardstandings, having minimum dimensions of 2.9m x 5.5m for each vehicle, shall be provided, together with an appropriate dropped kerb vehicular crossing of the footway/highway verge, which is tight/in line with the parking area.
2. The garage shall be sited a minimum distance of 6m from the highway boundary.
3. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
5. 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 and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
7. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport, approved by Essex County Council.

## **5 MATERIAL PLANNING CONSIDERATIONS**

- 5.1 This application is being reported direct to Committee in the light of Member interest and as the previous application, 09/00054/FUL, was referred from the weekly list to the April 2009 Committee meeting.
- 5.2 Members are advised that no responses have been received as yet from the neighbour consultation, however the consultation by letter process does not expire until 5 December and the site notice on 13 December 2012.

### **Principle of the Development**

- 5.3 The site is allocated as residential land in the Council's adopted and saved Local Plan (2006) and as such the principle of the residential development is

accepted. More intense development of the site would accord with policy HP1 to the saved Local Plan and Policy H1 to the Council's adopted Core Strategy (2011). The intensification, by way of sub-division of the existing plot, is an accepted principle provided the resultant development would be of a suitable scale and design in character with the site surroundings. Council guidance requires a plot width to each new house of 9.25m. The proposal would exceed Council guidance on plot width and side isolation to boundaries.

- 5.4 The further sub-division of the plot and intensification of the use of urban land is generally encouraged by Policy HP1 to the saved Local Plan (2006), subject to detailed consideration of the merits of each particular case against the Council's more detailed supplementary guidance and space standards.
- 5.5 Policy H1 to the Council's adopted Core Strategy (2011) seeks to prioritise the use of previously developed land and reaffirms that residential development must conform to Council policies. It states that in order to protect the character of existing settlements, the Council will resist the intensification of smaller sites within residential areas, but that limited infilling will be considered acceptable, provided it relates well to the existing street pattern, density and character of the locality.
- 5.6 The National Planning Policy Framework (2012) (NPPF) supports the general location of new development in sustainable locations such as this site being close to services. The NPPF, however, now provides a new definition of previously developed land to exclude private garden areas from that definition. Paragraph 53 to the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

### **Design and layout**

- 5.7 The proposed dwelling would be broadly similar in appearance and positioning to the previously refused application although there is some difference in the overall dimensions, which reduces its size and bulk.
- 5.8 As with the previous proposal for the site it would be set at an angle to the highway and positioned forward of the dwelling at No.18 and it is noted that the previous reason for refusal refers to this relationship, as emphasising the visual intrusion. In mitigation the site is on the inside of a sweeping corner and the positioning and orientation of the front elevation would act as a visual stepping stone between No.18 to the south and the four properties to the north. This transition would also be emphasised by the positioning of the attached garage, which would share the south easterly orientation of No.18 such that the development acts as a hinge between the adjacent properties.
- 5.9 The floor plan to the main two storey element of the refused dwelling had a width of 7.6m, a maximum depth of 12.5m and a ridge height of 8.75m. This latest proposal maintains the 7.6m width, but has a lesser maximum depth of

11.1m and height of 8.1m, which would be approximately 0.5m higher than adjacent properties and an appropriate height for a two storey dwelling. The ground floor has a gross internal floor area of approximately 72m<sup>2</sup>, including the utility room, but not the garage, and the first floor has a gross internal floor area of approximately 63m<sup>2</sup>. At first floor level this application has a depth to the south side elevation of 9.1m, a depth to the northern side of 10.2m and these measurements would be of some 1.45m less than the refused application. This results in a noticeable reduction in the size and bulk of the dwelling, as raised in the previous reason for refusal.

- 5.10 The walls would be finished in brick and it is envisaged that the roof would feature brown tiles, but the applicant is satisfied for this matter to be dealt with by planning condition. It is noted that the area is characterised by a variety of house styles and finishing materials. It is considered that the general design of the dwelling would be in character with the area, subject to final agreement on the external materials.
- 5.11 In terms of the relationship to the properties either side there would be a minimum one metre separation to the boundary either side from all parts of the building. The site plan indicates a minimum separation at first floor level of 6m to the neighbouring dwelling at No. 16 and 7.5m with No. 18. The proposal features a full hipped roof, only marginally higher than neighbouring properties; this degree of separation would ensure that the proposal would not appear crammed in and it retains a reasonable air of spaciousness about the dwellings.
- 5.12 The proposed dwelling enjoys a separation of 16m with the nearest corner of the dwelling at 2 Kingswood Crescent with which it borders to the rear. There would also be a minimum separation of 25m to the front elevation of the new build bungalow at 16a Eastern Road. It is noted that the reduced depth of this latest proposal, in comparison to the previous scheme, has resulted in a deeper rear garden and a further separation of some 1.5m to the existing dwelling at 2 Kingswood Crescent. It is considered that the positioning of the dwelling within the plot would result in an appropriate relationship to the surrounding dwellings and that there would be no significant loss of amenity to the occupiers of neighbouring houses, given the boundary screening and vegetation, which was raised by Members with the previous application.
- 5.13 The side elevations would feature first floor side facing windows serving a stairwell and two bathrooms. A condition requiring these windows to be obscure glazed and non-opening below 1.7m is considered reasonable to protect the amenities of adjoining residents. It is not considered there would be any unnecessary overlooking or loss of amenity resulting from the remainder of the windows.
- 5.14 In order to comply with the Parking Standards: Design and Good Practice Supplementary Planning Document adopted in December 2010 the proposal requires a minimum of 2 vehicle spaces per dwelling. The Parking Standards document requires garage spaces to measure 7m x 3m to allow for a parking

space and some storage, which is not adhered to with this proposal as the garage has a usable width of 2.5m and depth of 5.1m. However, there would be two parking spaces positioned side by side in front of the garage, which is set back 6m from the highway boundary. Each of the parking spaces would be to the preferred standard of 5.5m x 2.9m. It is noted that the Local Highways Authority has raised no objection to the proposal.

- 5.15 The dwelling would be provided with a rear private garden area of 100m<sup>2</sup>, which has a width varying between 8m and 11.5m and a minimum depth of 9m. This would meet the criteria for a dwelling of this size. There would also be an area forward of the property usable as a front garden.
- 5.16 Members were concerned with the previous application and cited in the reason for refusal 'the amenity space relies on the existing open front garden immediately in front of the principal street aspect of the dwelling being screened off as a private garden space and resulting in a diminution of this principal street aspect of the dwelling'. This latest proposal differs in that only a very small section of the front of the site would be fenced off. The area directly in front of the main elevation would remain in its present open state such that any diminution of this principal street aspect would be insignificant. The property would retain a private fenced off garden area which, although limited in depth to approximately 5m, would wrap around the building providing an enclosed area that would be 102m<sup>2</sup> in area and accordingly acceptable.

## 6 CONCLUSION

- 6.1 The proposed scheme for the sub-division of the site to create an additional dwelling is considered to be acceptable
- 6.2 The proposed building would be of a design, scale and form suitable for this residential location.
- 6.3 The proposed scheme is an improvement on the previous refused scheme and addresses the concerns raised by Members.

## 7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

To **APPROVE** planning permission, subject to the following heads of conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) No development shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the

Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

- (3) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s), shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- (4) 2 vehicular hardstandings having minimum dimensions of 2.9m x 5.5m for each vehicle shall be provided, together with an appropriate dropped kerb vehicular crossing of the footway/highway verge, which is tight/in line with the parking area.
- (5) No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
- (6) Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the access.
- (7) 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 and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
- (8) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- (9) Prior to the commencement of the construction of the residential housing hereby approved the applicants shall submit details to the Local Planning Authority to demonstrate how the dwellings hereby approved comply with the lifetime homes standard.
- (10) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no extensions of more than one storey shall be erected on any elevations of the dwelling hereby permitted.

- (11) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormer extensions shall be inserted, or otherwise erected, within the roof area (including roof void) on the rear elevation of the dwelling hereby permitted.



Shaun Scrutton

Head of Planning and Transportation

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## REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

### Relevant Development Plan Policies and Proposals

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

H1, H6, CP1, ENV9, T8

Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

HP1, HP6

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

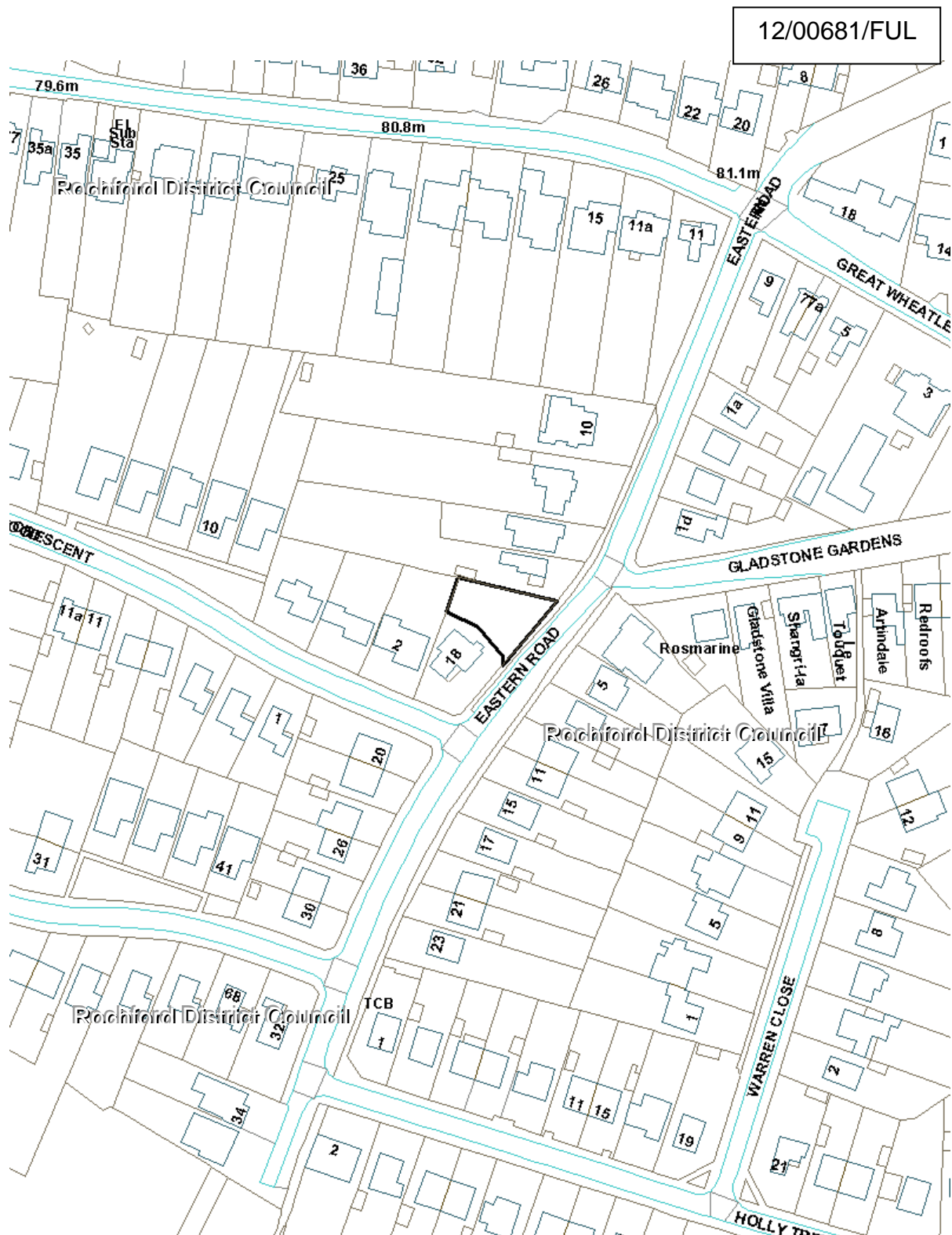


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