

## **ACCESS AT REAR OF 5-9 PRENTICE CLOSE, ROCHFORD**

### **1 SUMMARY**

- 1.1 Members will recall that, at the Sub-Committee's Meeting on 28 November 2000, consideration was given to a request from the owner of No. 4 Malting Villas Road, Rochford for the grant of a right of way over the access owned by the Council at the rear of 5-9 inc. Prentice Close, Rochford. It was recommended that a decision on the request be deferred pending a Member site visit, which took place in January. This report replicates the information previously provided, and an oral update following the site visit will be given at the Meeting.

### **2 BACKGROUND**

- 2.1 In 1977, part of the back gardens of Nos. 2, 4, 6 and 8 Malting Villas Road all of which were Council houses at the time, were removed from those properties and Nos. 5-9 inc. Prentice Close were erected facing a path fronting on to the Rochford Recreation Ground.
- 2.2 The new dwellings in Prentice Close were constructed with garages to the rear of the properties accessed via the right of way shown hatched black on the plan attached as Annex 1. All the new properties were subsequently sold under the Right to Buy legislation and are now in private ownership
- 2.3 The Conveyances of the properties with the exception of no.9 which included a designated parking area at the rear of the property made no provision for parking within the access and stipulated that the area should be used only for the purposes of accessing the garages.
- 2.4 Notwithstanding this provision, the area is being used and has apparently been used for many years by residents of Prentice Close for parking of vehicles.
- 2.5 The owners of the properties in Prentice Close contribute in equal shares for maintenance of the access.
- 2.6 There is also an electricity sub-station site served by the access situated in the corner at the rear of 4 Malting Villas Road and 23/25 Stambridge Road, which is shown cross hatched black on plan 1.
- 2.7 No.4 Malting Villas Road is the only house of the original properties which does not have vehicular side access to the rear garden. There is

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a hardstanding in the front garden of the property which can accommodate one vehicle.

### **3 PROPOSAL**

- 3.1 The Owner of No.4 Malting Villas has requested the Council to grant him a right of way over the Council's access to the rear of the properties in Prentice Close to gain access to a new garage which he proposes to construct in his rear garden.
- 3.2 He has explained that he owns vintage cars that are presently parked in Malting Villas Road. He cannot access the back garden from the front of the property and there is insufficient room to park his cars in the front garden.
- 3.3 The proposal has raised objections from residents in No.5 - 9 Prentice Close who are concerned that the properties in Malting Villas have no legal right to use the access road; and that a rear access to No.4 Malting Villas would compromise safety, parking and manoeuvring, in particular outside nos. 5 and 6 and adjoining the entrance to the sub-station.
- 3.4 A survey of the available parking area has been undertaken by the Council's engineers. The results are shown on the plan attached to Annex 2. This indicates that there would be sufficient space to provide for an access to the rear of No.4 Malting villas and also to accommodate 12 parking bays with adequate turning and manoeuvring space, whilst maintaining access to the sub-station.
- 3.5 The grant of a right of access to No. 4 Malting Villas Road would still therefore allow sufficient room for 2 designated parking spaces and one garage for each of the five properties in Prentice Close. This is above the current planning standard in the Rochford District Local Plan of two spaces, or one garage and one space per dwelling for a 3-bedroom property.

### **4 DISCUSSION**

- 4.1. The Council owns the freehold of the access and has a discretion as to whether to accede to the request and grant an easement over its property. The right of way if granted would facilitate off street parking and improve the car parking facilities at No.4 Malting Villas.
- 4.2. Whilst the residents have expressed concern as expressed above, the use of the access by No. 4 Malting Villas could be accommodated without compromising existing parking at the rear of Prentice Close .
- 4.3. If it were to be accepted this could be better managed by formally allocating and delineating two parking spaces to each of Nos. 5 – 9 inc.

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Prentice Close. The cost of these works could be recouped from the consideration for the grant.

## **5 LEGAL IMPLICATIONS**

- 5.1 The Applicant would pay an equal proportion of the maintenance costs in common with the other residents having a legal right to use the access.
- 5.2 The Grant would be at full market value as set by the Council's Valuers, and the Applicant would be responsible for the Council's legal and valuation costs.

## **6 ENVIRONMENTAL IMPLICATIONS**

- 6.1 The use of a garage in the rear garden of 4 Malting Villas Road would reduce the number of cars regularly parked in Malting Villas Road and so ease traffic congestion.

## **7 RECOMMENDATION**

- 7.1 It is proposed that this Sub-Committee **RECOMMENDS**
- (1) That a right of way be granted to allow vehicular access to the rear of No. 4 Malting Villas Road, at full market value and subject to payment of the Council's legal costs and on such terms and conditions as the Head of Legal Services considers appropriate.
  - (2) Parking bays are marked out and allocated to nos.5-9 Prentice Close to provide two parking spaces convenient to each of the properties as indicated on plan 2. The costs of delineating the area to be met as part of the consideration for the grant of the vehicular access to No.4 Malting Villas. (HLS)

A.J.Bugeja

Head of Legal Services

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### **Background Papers:**

Letter dated 5<sup>th</sup> June 2000 from owner of no.4 Malting Villas Road

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