

14/00580/FUL

58 SUTTON ROAD, ROCHFORD, ESSEX, SS4 1HL

**DEMOLISH CONSERVATORY AND DETACHED GARAGE
AND CONSTRUCT SINGLE STOREY PART PITCHED ROOF
PART FLAT ROOFED SIDE AND REAR EXTENSION AND
CHANGE USE OF RESULTING BUILDING TO PROVIDE
RESIDENTIAL CARE HOME**

APPLICANT: MRS J SAYER

ZONING: RESIDENTIAL

PARISH: RAYLEIGH

WARD: ROCHFORD

1 PLANNING APPLICATION DETAILS

1.1 This application is to be heard by the Development Committee as a previous application at this site, 14/00050/FUL, was referred from Weekly List No. 1225 and heard at the Development Committee on 27 March 2014.

2 THE SITE

2.1 The site is within a residential area.

2.2 The dwelling is a detached two-bed bungalow that was permitted in 1954. It is located on the southern side of Sutton Road with an outlook to the front over the Metropolitan Green Belt.

2.3 The neighbouring dwellings either side are both semi-detached houses. To the rear the site abuts the side of the rear garden of 1 Sutton Court Drive. The site is 327m² in area.

2.4 The dwelling has a detached single garage in the rear garden and is accessible by a driveway to the side of the house. There is a conservatory attached to the rear of the property. Both the garage and conservatory would be removed to facilitate the development.

3 RELEVANT PLANNING HISTORY

3.1 ROC/290/54 Erection of detached bungalow. Approved 13 November 1954.

3.2 14/00050/FUL refused on 7 April 2014 for the following reasons:-

- 1 No exceptional circumstances have been presented to justify the fact that the parking spaces proposed fall short of the Council's parking standards, contrary to Policy T8 of the Rochford District Core Strategy, December 2011. In addition, the parking arrangement proposed will be such that vehicles will not be able to manoeuvre out of the site in forward gear.
- 2 The proposal will result in a loss of residential amenity to neighbouring properties and in particular to No. 60 Sutton Road, the residents of which will not be able to access their garage as a result of the proposed shared driveway, and to No. 56 Sutton Road, whose property will be overlooked as a result of a proposed side window in the extended building.
- 3 There is no area allocated within the application site for the appropriate storage of commercial waste bins necessary for the proposed use of the site as a residential care home.
- 4 The proposed layout at the rear of the application site provides insufficient amenity space, falling short of the Council's amenity space standards, for any future residents of the proposed residential care home.
- 5 Insufficient information has been provided with the application to demonstrate how surface water will be treated at the front of the site.

4 CONSULTATIONS AND REPRESENTATIONS

Rochford Parish Council

- 4.1 Members strongly object to this application. It constitutes over-development of the site, it encroaches on the neighbouring property and there are major highways issues with vehicles having to reverse onto Sutton Road.

Neighbours

- 4.2 Objections have been received from the occupants of Nos. 54,56,60,62 and 64 Sutton Road

Main points:-

- Frivolous application identical in all respects to previously refused application
- Side window would fully overlook garden at No.56
- Increase in parking spaces not suitable for this size of property

- Driveway does not allow enough room for cars to drive on and off safely
- Driveway of No. 60 will become half unusable
- Increased activity given specialised needs of residents and increase in noise and disruption that this would cause to neighbouring properties
- Site inadequate for 4 residents and 2 staff
- Noise from comings and goings, equipment, bells, alarms, telephones

5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The Local Planning Authority must determine the proposal in accordance with the adopted Development Plan, which includes saved policies in the Rochford District Replacement Local Plan (2006) and the Rochford District Core Strategy (2012), taking account also of any other relevant planning policy and other material planning considerations.
- 5.2 The site is located within the residential area of Rochford and a residential care home would, in principle, be considered acceptable here. In addition to this, at the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. It is considered that the proposed residential development accords with this presumption and represents 'sustainable development' at this site.
- 5.3 It is noted that the application is identical in all respects to the application 14/00050/FUL refused on 7 April 2014.

Design and Layout

- 5.4 The proposed extension would be L shaped and attached to the rear and part of the side of the building. From the original rear wall it would have a depth of 4.29m and a rear elevation width of 11.4m. The front elevation of the extension projecting beyond the side would be set back 2.76m from the front corner of the building and would have a width of 2.4m. This side part would have a total depth of 9m. The part of the extension projecting to the side of the original dwelling would have a front to back pitched roof matching the pitch angle of the existing roof. The remainder of the proposed extension projecting beyond the original rear elevation would be flat roofed.
- 5.5 There would be one new window in the west facing side elevation of the existing dwelling. There is an intermediate fence providing a visual barrier. There would be no window openings in the side elevations of the extended part. The front elevation would contain a single doorway and an adjacent small window. The rear elevation would feature two glazed doors and three windows of varying sizes.
- 5.6 A rear garden would be retained. This would have a width of 13m and a depth varying between 5.6m and 6.2m to give an approximate area of 76.7m².

Insufficient amenity space was cited in reason 4 for refusal of the application 14/00050/FUL however local planning policy guidance for the provision of amenity space is not specific to residential care homes, or to the conversion/extension of existing dwellings and each case would need to be judged on its merits. The quantity of amenity space provision proposed is considered to be acceptable here when considering the number of residents that it would serve.

Parking and Access

- 5.7 The parking standard for Use Class C2 is 1 space per full time equivalent staff and 1 visitor space per 3 beds. The application form states that there would be two full time staff members. There are a total of four bedrooms in the development. The standard would require a total of 4 spaces and this number of spaces would be provided in the proposed parking area in front of the property.
- 5.8 The indicated bay sizes on the plan are 4.8m in depth with three of them 2.5m in width and one 2.4m in width. These bay sizes are below both the preferred bay size and the minimum bay size (only used in exceptional circumstances) of the adopted parking standards. Furthermore, the bay arrangement would not allow for a 6m deep manoeuvrability area between the back of the three side by side spaces and the fourth space on the plan. It would not be possible to provide four parking spaces at the property in accordance with the adopted standards due to the constraints of the site.

Residential Amenity

- 5.9 The new window in the west facing side elevation would have an outlook partly towards the rearmost part of the side elevation and partly to the rear garden of the neighbouring dwelling. On the previous application Members considered that a window in this location would overlook 56 Sutton Road to the detriment of residential amenity. No provision has been made to overcome this objection to the previous application. The proximity and orientation of the window would likely give rise to the perception of overlooking and thus the invasion of privacy rather than direct and obtrusive overlooking. Such a perception is considered to lead to a sufficient loss of residential amenity enough to justify a reason for refusal. No provision has been made to overcome this objection.
- 5.10 Matters of land ownership and access rights are not matters for consideration in planning applications. The development, if allowed, may restrict vehicular access to garages to the rear of 60 Sutton Road, but provided there is no encroachment on land outside the applicant's ownership, this cannot be considered as a reason for refusal.
- 5.11 There have been a number of objections from neighbouring residents, citing loss of amenity from increased noise and disturbance due to the proposed use of the site.

Other Matters

- 5.12 It is noted that the Parish Council objects to the proposal, citing that it would be an over-development of the site and has concerns about encroachment and access.
- 5.13 The plans do not incorporate areas to store and aid the collection of waste, thus reason 3 of the decision notice for 14/00050/FUL has not been overcome. Given that the development is to house only four residents it is considered that the likely amount of waste generated would not be significantly different to that of a typical family dwelling and that details of suitable area to store and aid the collection of waste can be adequately addressed by a suitable planning condition, if an approval of the development were to be granted.
- 5.14 No information has been provided demonstrating how surface water would be treated at the site and thus reason 5 of the decision notice for 14/00050/FUL has not been overcome. Nevertheless, it is considered that surface water dispersal is insufficient grounds to warrant a reason for refusal for the developments to the existing property. Details of suitable surface water dispersal can be adequately addressed by a suitable planning condition, if an approval of the development were to be granted.

6 CONCLUSION

- 6.1 It is considered that the proposed development does not provide adequate access and parking arrangements for the proposed use and that, furthermore, there would be an adverse impact on neighbouring amenity.

7 RECOMMENDATION

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

That planning permission be **refused** for the following reasons:-

- 1 No exceptional circumstances have been presented to justify the fact that the parking spaces proposed fall short of the Council's parking standards, contrary to Policy T8 of the Rochford District Core Strategy December 2011. In addition, the parking arrangement proposed will be such that vehicles will not be able to manoeuvre out of the site in forward gear.
- 2 The proposal will result in a loss of residential amenity to neighbouring properties and in particular to No. 56 Sutton Road, whose property will be overlooked as a result of a proposed side window in the extended building.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford District Replacement Local Plan – Policy HP6

Supplementary Planning Document 2 – Housing Design

Rochford District Core Strategy (2011) Policy CP1

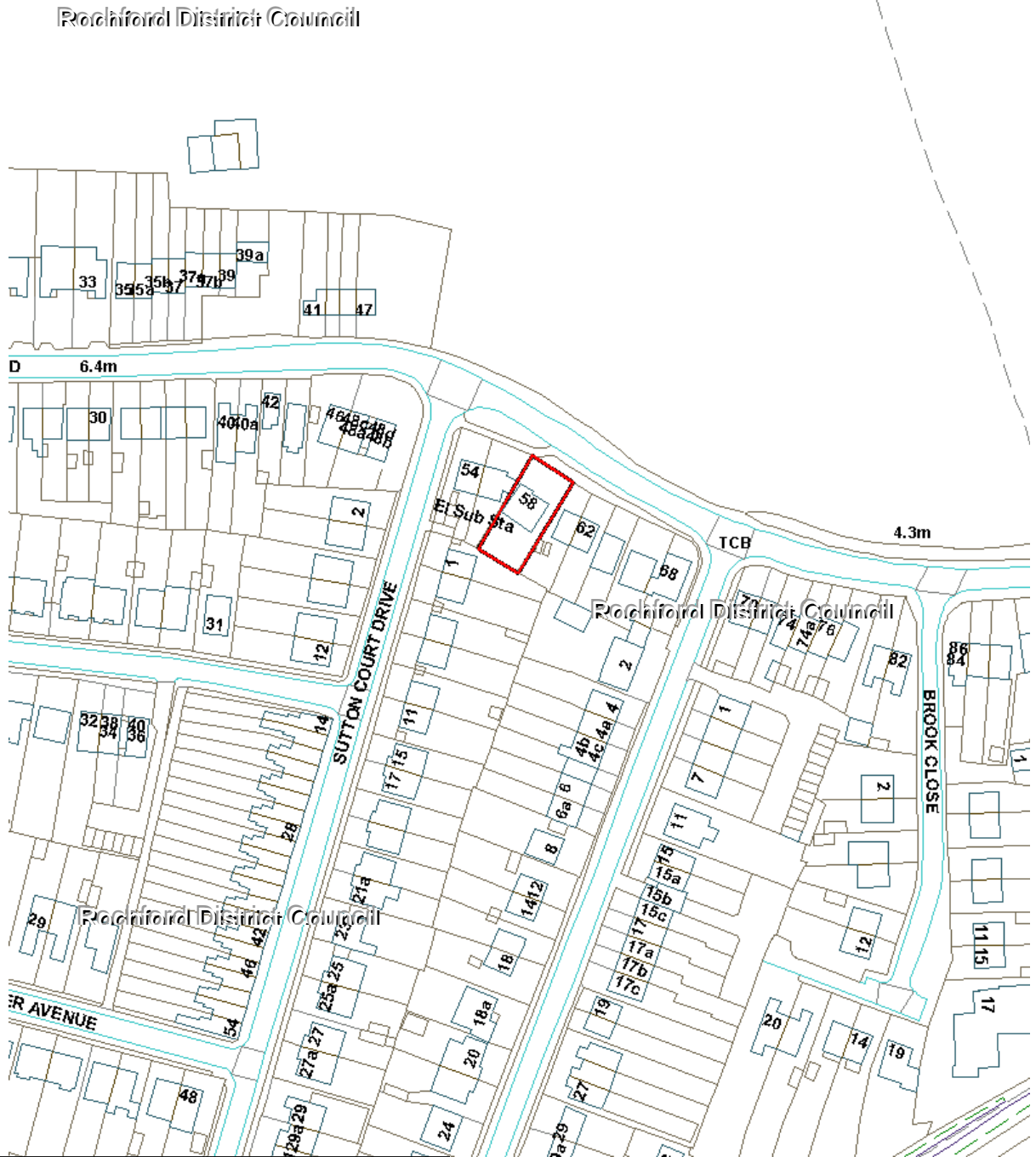
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