
Appeal Decision

Site visit made on 13 December 2016

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2017

Appeal Ref: APP/B1550/W/16/3156810

29 White Hart Lane, Hawkwell, Essex SS5 4DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Frost against the decision of Rochford District Council.
 - The application Ref 16/00060/FUL, dated 25 January 2016, was refused by notice dated 27 April 2016.
 - The development proposed is demolish existing dwelling and carport and build two new 4-bed detached houses and one new 4-bed bungalow, all with detached garages.
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Decision

1. The appeal is dismissed.

Procedural matter

2. One of the Council's reasons for refusal referred to the appellant's failure to provide a flood risk assessment with the original application. Although the Council's statement of case retains this condition, the appellant states that a flood risk assessment has been provided and it forms part of the evidence before me. However, the Council has not confirmed that it considers the appellant's information sufficient to omit this reason for refusal. As such, I have included it in my reasoning.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of existing occupiers of 31 White Hart Lane with particular regard to privacy;
 - the living conditions of future occupiers of Plots 1 and 2 with particular regard to privacy; and,
 - surface water runoff in a Critical Drainage Area.

Reasons

Character and appearance

4. The appeal site (No 29) is a generous plot containing a detached house set on rising ground some 30 metres back from White Hart Lane. To the east there is a similarly sized detached house, (No 31), on more or less the same building
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line. This is largely screened from the road by a substantial hedge. To the west, there is a series of modest semi-detached dwellings set some 13 metres from the road, and partially screened from it by an informal hedgerow. There is also a backland development to the north and west of the appeal site. This contains four detached dwellings arranged on one side of a cul de sac.

5. The generous plots and positioning of Nos 29 and 31 relative to the road are anomalies in an area with a tight development pattern. However, on this side of White Hart Lane and in the immediate vicinity of the appeal site, the combination of roadside screening and longer frontages means that dwellings are not particularly dominant in the street scene.
6. The development comprises the demolition of the existing dwelling on the site, and its replacement with two detached dwellings and a bungalow, each with a detached garage. The Council has not raised particular concerns in respect of the character and appearance of the bungalow, and as such I have not considered the bungalow in this section of my reasoning.
7. The building lines of the proposed dwellings (Plots 1 and 2) fronting White Hart Lane would be significantly forward of the semi-detached dwellings to their west. Plots 1 and 2 would also be more than 50% deeper¹, and although their ridgelines would be only marginally higher than those of the adjacent dwellings, their ridgelines would be closer to the road. Consequently, whilst I appreciate that in terms of overall design and plot width Plots 1 and 2 are not significantly different from the established building pattern, their positioning, overall height and bulk relative to nearby buildings and the road, would render them dominant and intrusive in the existing street scene.
8. Moreover, although the floor slabs of Plots 1 and 2 and the adjacent dwellings are likely to be at roughly the same level, the greater depth of Plots 1 and 2 would result in those dwellings having a significant upstand along their front elevations². This reinforces my concern in relation to the dominance and apparent bulk of these dwellings when viewed from the road.
9. I appreciate that the officer's report states that Plots 1 and 2 more closely reflect the prevailing building pattern compared to the existing positioning of Nos 29 and 31, but it does not alter my reasoning that the overall design and massing proposed is incompatible with the character of the area. In any case, the officer's report goes on to state that existing dwellings in the immediate vicinity of the development are not of the scale or height proposed here.
10. Furthermore, the double garages for Plots 1 and 2 would be located forward of Plots 1 and 2, introducing further built form and bulk closer to the road boundary, and they would also be raised above footway level by about 1 metre.
11. In addition, the vehicular access between the garages would be some 10 metres wide and its visual impact would be exacerbated by its steep gradient³. This would present a steeply sloping paved element directly behind the footway, allowing uninterrupted views of the full extent of the hardstanding

¹ Dwg. 3 shows the depth of the neighbouring semi-detached dwellings at approximately 7 metres. The proposed dwellings on Plots 1 and 2 have depths of 11 metres.

² Dwg. 10a – the Plot 2 floor slab level is shown approximately 700mm above existing ground levels.

³ Dwg. 10a indicates that there would be a vertical height difference of over 2 metres to be accommodated over a horizontal distance of some 10 metres.

as well as the dwellings themselves. This would be a dominant feature and would be detrimental to the street scene on this side of the road where there are extensive garden hedges or more natural hedgerows which screen and soften the built development behind, and which are broken only by more modest access points.

12. The appellant argues that the planting between the flank walls of the garages and the road boundary could screen the garages. As there appear to be inconsistencies between the dimensions given on the layout and those shown on the sections, I am unable to conclude that the planting strips would be of the widths indicated. In any case, whilst I appreciate that there would be some scope for planting to provide screening in the case of Plot 1's garage, I am less satisfied that a 500mm planting strip could provide adequate screening for Plot 2's garage, as its flank wall is over 2 metres high. Furthermore, planting alongside the garage flank walls would not mitigate the impact of the extensive hard standing and the unrestricted views of dwellings which would appear disproportionately large compared to their immediate neighbours. The appellant argues that there is an existing car port in roughly the same location as the garage for Plot 2, but I noted on my visit that this appeared to be smaller than that proposed here. As such, I conclude that there would be insufficient space for adequate landscaping to soften the impact of the development on the street scene.
13. It is argued by the appellant that other dwellings in the area have garages in front of the dwelling but that does not accord with my observations. Reference is made to 35 White Hart Lane but the garage, although angled, is largely to the side of the dwelling's front elevation. I concur that there is a garage located in front of a dwelling at 11A White Hart Lane. However, this is separated from the footway by a grass verge, and is on the same level as the footway, which would not be the case here.
14. Whilst I appreciate that there would be some consistency between the height and massing of Plots 1 and 2 and the semi-detached dwellings to the west, their positioning forward of that building line, together with their garages, extensive hard surfacing immediately behind the footway and creating a significant break in the existing hedgerow, would create a development of excessive scale and height, which would be overly dominant in the street scene. I conclude that this would be to the material detriment of the character and appearance of the area.
15. It is argued by the appellant that as the dwellings would individually be of narrower width than the adjacent pairs of semi-detached dwellings, they would have less impact. However, whilst I concur that this would be the case, the adjacent dwellings are set further back from the road and are partially screened. Consequently I give this argument little weight.
16. The appellant refers to the approval of a similar sized dwelling on Plot 1 but I have no further details before me and in any case, each appeal is determined on its merits.
17. In the light of the above, the development would be contrary to Policy CP1 of the Core Strategy⁴ (CS) which requires development to be of high quality

⁴ Rochford District Council, Core Strategy, adopted 2011

design that has regard to local flavour through use of the SPD⁵. This, with regard to infill development states that the form and frontage of such development should be compatible with the existing character and form of its immediate area. The development would also be contrary to Policy DM1 of the Local Plan⁶ (LP) which states that development must demonstrate that it is of a scale and form appropriate to the locality in line with LP Policy DM3. LP Policy DM3 states that proposals for infilling shall consider their relationship with the existing street pattern and the density, and whether the number and type of dwellings are appropriate.

Living conditions

18. Number 31 is located close to the side boundary of the appeal site. Plot 2 would be one metre from the boundary, with its rear elevation some 11 metres from No 31's front elevation. As such, there would be some potential for overlooking of No 31 from the first floor rear windows of Plot 2, which would cause a loss of privacy for occupiers of No 31. There is currently a substantial conifer hedge along the side boundary, which would provide a significant screen.
19. However, I noted on my visit that the conifer hedge projects into the appeal site by some 1.5 metres and the layout plan shows it would extend almost as far as the rear elevation of the Plot 2 dwelling. Given its significant height and associated maintenance difficulties, together with its potential to limit daylight into the windows on the Plot 2's rear elevation, I consider it likely that it would be removed at some point in the future. As such, I give its presence little weight in consideration of the living conditions of occupiers of No 31. Whilst the appellant notes that boundary treatments could address this concern, they would have to be of significant height to mitigate potential overlooking, and given the restricted rear garden space of Plot 2, I am not satisfied that this issue could be satisfactorily addressed by condition. The appellant suggests that the retention of the existing conifer hedge could be imposed as a condition but I am not satisfied that this would be enforceable.
20. The appellant also suggests that a high level window could overcome this concern but as the bedrooms have only one window, if it was high enough to prevent looking out, the room would have a rather unsatisfactory outlook for occupiers.
21. The sections⁷ indicate that the floor slab level of the bungalow on Plot 3 would be some 2 metres higher than the floor slab levels of Plots 1 and 2. However, the front elevation of the bungalow would be some 19 metres from the rear elevations of the dwellings on Plots 1 and 2. Although the level difference would increase the potential for some loss of privacy for occupiers of Plots 1 and 2, given the horizontal distance this would not be sufficient to warrant dismissal of the appeal, were it the only concern.
22. In the light of the above, I consider there would be some potential for loss of privacy for occupiers of No 31 from overlooking from Plot 2 and that this would be detrimental to their living conditions. This would be contrary to LP

⁵ Rochford District Council, Housing Design SPD 2, January 2007

⁶ Rochford District Council, Development Management Plan,

⁷ Dwg. 16/001/4

Policy DM1 which requires development to have a positive relationship with existing and nearby buildings, and to avoid overlooking and ensure privacy. It would also be contrary to CS Policy CP1 which requires high quality design that has regard to local characteristics and distinctiveness, and Paragraph 17 of the Framework which requires development to seek a good standard of amenity for all existing and future occupiers of land and buildings.

Flood Risk Assessment

23. The site lies within a Critical Drainage Area as defined by Essex County Council with respect to surface water drainage. The appellant has included a flood risk assessment with the application which indicates that surface water runoff from the dwellings would be connected to the sewer system, and all hardstanding areas would be porous and constructed in accordance with SUDs⁸ principles with overflows connected to soakaways. As such, on the basis of the information provided and given that were the appeal to be allowed mitigation could be addressed through the imposition of conditions, I find no conflict with LP Policy DM28 which states that flood risk assessments must include details of SUDs to be incorporated in the development to ensure the risk of flooding is not increased by surface water runoff.

Other matters

24. Interested parties have raised concerns with respect to the development, some of which are covered in my reasoning above. However, as I have found harm in relation to the main issues, it is not necessary for me to consider additional concerns.
25. The appellant has suggested that an approved development⁹ demonstrates a similar intensification of use of a residential plot. However, there is nothing in the evidence before me to indicate how that development relates to its surrounding building pattern other than a reference to plot widths, and the officer's report raises no concern in relation to character and appearance. As such, I am unable to conclude whether this development is directly comparable to the appeal before me and I give this argument little weight.

Conclusion

26. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

⁸ Sustainable Drainage Systems

⁹ Statement of Case, Appendix 1 and 2