



Appeal Decision

Site visit made on 19 November 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2019

Appeal Ref: APP/B1550/W/19/3236455

1 Daws Heath Road, Rayleigh SS6 7QJ

- 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 I Hilburn against the decision of Rochford District Council.
 - The application Ref 18/00499/FUL, dated 18 April 2018, was refused by notice dated 29 May 2019.
 - The development proposed is conversion of existing motor repairs garage to residential flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr I Hilburn against Rochford District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the heading above has been taken from both the planning application form and the appeal form. However, the description used by the Council in their decision notice was "Demolition of existing single storey motor repair garage and erection of 3 storey building to provide 3 residential units (flats)". I consider this more accurately reflects the development proposed and I have dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of 52 Eastwood Road, with regard to outlook.

Reasons

Character and appearance

5. The site comprises a single storey building which is currently in use as a motor vehicle repair workshop. The building is set back from the public footpath with a forecourt to its frontage which is used for the parking of vehicles.

6. The site is located close to the junction with Eastwood Road which is characterised by two storey development, with commercial properties on the ground floor with rear yards. These back directly onto the appeal site.
7. Neighbouring the site is a three storey building with access to a rear parking court and bungalows. Further along Daws Heath Road and opposite the appeal site there is a mix of two storey detached and semi detached dwellings. These provide the predominant character of the area, when viewed in the context of the area immediately surrounding the site.
8. I appreciate that south of the appeal site the Council granted planning permission for a three storey building and that the appeal scheme has reference to that in design terms. However, the other site was much deeper than the appeal site thus allowing vehicle parking at the rear of the building and there are bungalows sited to the rear. Along with the single storey height of the garage building on the appeal site, the existing three storey building consequently has space around it.
9. In contrast, the appeal site is much less deep, and the footprint of the building would cover most of the site with parking being squeezed onto the site frontage. It would also come hard up to the flank wall of the new flats and tightly abut the rear garden boundaries to the properties in Eastwood Road. Combined with its three-storey scale, the overall mass of the building would look unduly cramped on the plot, thus harming the character and appearance of the locality
10. When viewed from Eastwood Road the development would appear a dominant feature in the street scene, harmful to the overall character of the area. I have taken into account that the existing use of the site is not visually attractive. However, its overall scale is such that it is subservient to the neighbouring developments and as such is less dominant within the street scene than that before me for consideration.
11. In conclusion the development would have an adverse impact on the character and appearance of the area and would conflict with policy DM1 and DM3 of the Rochford District Council Local Development Framework, Development Management Plan 2014 (DMP). These policies require the design of developments to be of a scale appropriate to the locality and provide a positive relationship with existing and nearby buildings, having regard to the existing street pattern and density. It would also be contrary to the SPD which requires schemes to adequately reflect the character and appearance of its surroundings.
12. It has been put to me that due to the age of the policies, which were adopted on 16 December 2014, reduced weight should be given to them. Chapter 12 of the Framework sets out how planning decisions should be sympathetic to the local character of an area and this is echoed within the Local Plan policies. Therefore, the policies outlined above, which are the most important for determining the application, are consistent with the National Planning Policy Framework ("the Framework"). As such, they should be afforded significant weight.

Living Conditions

13. The proposed three storey development would be constructed along the rear and side boundaries of properties within Eastwood Road and would extend along the majority of the side boundary of no. 52.
14. No. 52 has a residential flat at first floor and has a first floor window located on the rear elevation.
15. The proximity, height and scale of the new building means that it would have an overbearing presence when viewed from the rear amenity space to No 52 and would lead to a loss of outlook when viewed from within the closest habitable room. I agree with the appellant that due to the orientation of the proposed development and No 52 it would not unduly affect sunlight reaching the neighbouring property, but this absence of harm is a neutral consideration that does not weigh either for or against the scheme.
16. In conclusion, the proposed development would result in an adverse impact on the living conditions of the occupants of 52 Eastwood Road, contrary to policies DM1 and DM3 of the DMP which require development to provide an assessment of the proposals impact on residential amenity and to promote visual amenity.
17. The proposal would be in accordance with the SPD which deals only with overlooking and privacy matters and I have not found that the development would lead to an adverse impact on living conditions with regard to overlooking or privacy.

Other matters

18. There is also reference to the conduct and advice of the Council and its officers during the planning application process. However, these are not matters for my deliberation in the context of a planning appeal.
19. I have taken into account that the accommodation would provide 1 and 2 bedroom flats which meet the nationally described space standards. The development would also provide sufficient parking and bin storage. I have also had regard to the proximity of the site to the local open space which would provide a good level of amenity for future occupiers of the proposed development. I am also satisfied that the scheme would not result in harm to any defined heritage asset, nor a loss of any trees or open space. However, this absence of harm is a neutral consideration that does not weigh either for or against the scheme
20. The appellant challenges whether the Council can demonstrate a five-year supply of deliverable housing sites. The Council has not commented. However, even if this was the case, the harm I have identified would significantly and demonstrably outweigh what would be limited benefits to housing supply due to the small size of the scheme and the contributions that would make to the local economy. Consequently, in this circumstance the Framework would not be a material consideration that would indicate a decision other than in accordance with the development plan.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR