The Planning Inspectorate

Appeal Decision

Site visit made on 29 May 2020

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal Ref: APP/B1550/W/19/3242281
1 Oak Walk, Hockley, SS5 5AR

- 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 A Hogan against the decision of Rochford District Council.
- The application Ref 19/00003/FUL, dated 2 January 2019, was refused by notice dated 12 June 2019.
- The development proposed is retaining the existing dwelling and proposing 1no. 2-bedroom bungalow with associated parking.

Decision

1. The appeal is allowed and planning permission is granted for retaining the existing dwelling and proposing 1no. 2-bedroom bungalow with associated parking at 1 Oak Walk, Hockley, SS5 5AR in accordance with the terms of the application, Ref 19/00003/FUL, dated 2 January 2019, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1792 01 Existing and Proposed Site Plans, 1792 03 Proposed Floor Plans and Elevations.

    3) The vehicular access as shown on planning drawing 1792 01 shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no wider than 4 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.

    4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

        i) the parking of vehicles of site operatives and visitors;

        ii) loading and unloading of plant and materials;

        iii) storage of plant and materials used in constructing the development; and

        iv) measures to prevent surface water discharge from the site onto the public highway.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no.1792 01 for cars to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles. No unbound material shall be used in the surface treatment of the car parking areas.

Preliminary Matters

2. I note the description of the development on the decision notice differs from that proposed by the applicant. In the absence of any agreement to the alternate description, and since the description on the application form adequately describes the proposal, I have used this in my decision.

Main Issues

3. The main issue for the appeal is the effect of the development on the character and appearance of the area.

Reasons

4. There is a variety of dwelling types and forms within the immediate residential estate surrounding the appeal site. Dwellings are typically separated from the highways they front onto by modestly sized front gardens used for private parking, with sometimes narrow dwelling-to-dwelling spacing between flank elevations. At corner plots, splays are designed into the estate that serve as green margins, contributing to the character of the area.

5. The proposal would introduce a bungalow to the east side of No.1 Oak Walk, of a similar height, design and proportion to that property. Parking would be provided on the frontage between the dwelling and Oak Walk, without affecting the layout of the splay at the junction with Hamilton Gardens. The eastern flank elevation would be in close proximity to the site boundary, although I observed that such a spatial relationship is not uncommon within the estate.

6. To this extent, the proposal would not conflict with the planned layout of the estate, retaining features characteristic of the prevailing pattern of development. The proposal comfortably provides parking and garden space comparable to others in the locality, and therefore does not represent overdevelopment of the plot. The green margin at the splayed corner, which is a key visual element of the estate, would be unaffected by the development.

7. Whilst the dwelling would occupy the space between the flank of No.1 Oak Walk and the eastern boundary, the space currently contains a garage and is enclosed by a high brick wall. It is not, therefore, a space that actively contributes to a sense of openness at this corner plot and its development with a bungalow would be inconsequential in visual terms to the character of the area.

8. I conclude that the proposal would not have a harmful effect upon the character and appearance of the area. It would be in accordance with policies H1 and CP1 of the Rochford Core Strategy as well as policies DM1 and DM3 of the Development Management Plan, which seek to secure sustainable development and good design reflective of local character.

Other Matters

9. I note the Parish Council's concerns regarding visibility and traffic flows. The proposal would provide two off-street parking spaces for the new dwelling as well as two retained spaces for the host property. The Highway Authority has not raised an objection and I have no evidence before me to suggest a contrary view should be taken.

Conditions

10. I have attached conditions with regard to the time limit for commencement and to undertake development in accordance with the plans for certainty as to the development hereby permitted.

11. The application form details materials to be used in the dwelling's construction and accompanying boundary treatments. Since this forms part of the approved application there is no need to condition such details to be repeated.

12. I have no evidence before me to demonstrate that conditions removing permitted development rights pass the tests of reasonableness or necessity, so have not imposed these limitations.

13. It is necessary in the interests of highway safety to impose conditions securing appropriately engineered accesses and parking areas. A construction traffic management plan is necessary and relevant to reduce potential conflicts with the flow of traffic on the highway. It is however unreasonable, with regards to the scale, kind and location of the proposed development, to require the developer to provide a residential travel pack.

Conclusion

14. For the reasons given above, the appeal is allowed subject to conditions.

David Wallis

INSPECTOR