
Appeal Decision

Site Visit made on 8 June 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2021

Appeal Ref: APP/B1550/W/21/3266277

17 Plumberow Mount Avenue, HOCKLEY, SS5 5AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs T Fehily against the decision of Rochford District Council.
 - The application Ref 20/00822/OUT, dated 3 September 2020, was refused by notice dated 2 December 2020.
 - The development proposed is Application for outline planning permission with all matters reserved for the subdivision of the site and the erection of 1 No. detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by a different version on the appeal form. I consider that the subsequent description to be usefully more precise and I have therefore used it within this decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the likely effect of the development on trees and hedgerows.

Reasons

Character and appearance

4. The proposal relates to the subdivision of the plot and demolition of the existing outbuildings to enable the construction of a bungalow to the rear. Plumberow Mount Avenue is characterised by both single storey dwellings, some with loft conversions and dormer windows, and two storey detached dwellings. The dwellings front onto Plumberow Mount Avenue with parking predominately within the frontage, with long gardens of varying widths.
5. The development of the rear garden would increase the density of development within the locality, which is generally characterised by open rear gardens, including some, such as the appeal site, with ancillary outbuildings. This would

lead to a tandem form of development resulting in an urbanising affect which would be out of character with the surrounding area.

6. The subdivision of the plot will result in a dwelling to the rear of the existing properties in Plumberow Mount Avenue, which is at odds with the prevailing pattern of development in the immediate area and would result in development that fails to demonstrate that it has been carefully considered in relation to the existing street pattern. I have taken into account the properties within Blenheim Close, which are visible from within the appeal site, however these form part of a larger cul-de-sac and are distinct from the generally linear pattern of development within Plumberow Mount Avenue.
7. Reference has been made to other similar developments within the vicinity of the site and although the appellant has not provided any details of these, or which properties are being referred to, the Council have outlined three examples in Plumberow Avenue. Whilst no plans have been submitted of these schemes, the description given by the Council indicates that these permissions included the demolition of existing dwellings and a redevelopment of the site which is not the same as the case before me. In any event, I am not bound by other decisions of the Council and I give this minimal weight.
8. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. Consequently, it would conflict with policies H1 and CP1 of the Rochford District Council, Local Development Framework Core Strategy 2011 (CS) which seek to promote good design whilst protecting the character of existing settlements and resist the intensification of small sites within residential areas. It would also fail to accord with policies DM1 and DM3 of the Rochford District Council, Local Development Framework Development Management Plan 2014 (DMP) which supports development which is designed to promote the character of the locality and has been designed to reflect the existing street pattern of the locality.

Trees

9. The proposed dwelling would be sited in close proximity to the boundary of the site, which has an existing hedgerow which may contain some small trees. The appellant has not provided an arboricultural impact assessment to demonstrate how the dwelling could be constructed on the site without detriment to the trees and hedgerow. Furthermore, there are no details provided of any mitigation which could be provided in terms of the overall design and construction of the development.
10. I accept that the existing outbuilding has already been constructed in close proximity to the tree, however there is nothing in the evidence before me to indicate that the proposed dwelling could be constructed without the need for further groundworks, following the demolition of the outbuilding, which may result in damage to the root protection area on any trees.
11. However, having regard to the extent of hedgerow affected and the modest size of the trees within it, it would be possible for this level of detail to be left to be agreed as part of the landscaping and layout of the site which would be considered at reserved matters stage.

12. The proposed dwelling, subject to mitigation in the form of a suitably worded condition, would not result in a serious and adverse impact on the existing trees and hedgerow. The development would accord with policy DM25 of the DMP which states that where existing trees should be retained, any planning permission will be conditioned to ensure the retention and continued maintenance/management of these features.

Other Matters

13. The appeal site falls within the 'Zone of influence' for the designated site of the Crouch and Roach Estuaries SPA and Ramsar Site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

14. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

