

Appeal Decision

Site visit made on 24 May 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/B1550/W/21/3284704

22 Tillingham Way, Rayleigh SS6 9HF

- 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 P & A Bown against the decision of Rochford District Council.
 - The application Ref 21/00707/OUT, dated 22 June 2021, was refused by notice dated 22 September 2021.
 - The development proposed is 'application for outline planning permission with all matters reserved except access and layout for the subdivision of the site and the erection of 1 No. additional dwelling-house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants indicate that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.
3. The application is for outline planning permission with access and layout to be considered at this stage. The other matters, appearance, landscaping and scale, are reserved for subsequent consideration. Drawing ref 2019/11/03/22TW showing the plans and elevations of the proposed dwelling is marked as indicative and, therefore, I have treated it as such.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal site and surrounding area;
 - the living conditions of nearby residents, with regard to noise and disturbance related to access and the parking area; and
 - parking and highway safety.

Reasons

5. The appeal property is a two storey semi-detached dwelling in a residential estate of similar properties. No 22 is located within a short cul-de-sac off the main part of Tillingham Way.
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Character and Appearance

6. Policy CP1 of the Rochford Core Strategy (2011) and Policy DM1 of the Rochford Development Management Plan (2014) (DMP) both concern design of new development, while Policy DM3 of the DMP concerns infilling and residential intensification. Collectively these policies include requirements relating to high quality design in new development and respect for the character of existing development and the surrounding area.
7. The existing layout of properties within the cul-de-sac is pairs of semi-detached dwellings fronting the road. Access and parking is in the form of short driveways and garages situated between properties. No 22 occupies a corner plot and, therefore, has a larger side and rear garden than most other properties.
8. The proposal involves the addition of a new dwelling, removal of the garage and provision of a relatively long access driveway to the open parking area to the rear. The type and extent of these changes would have a substantive effect on the character and appearance of the site and cul-de-sac, through the creation of a short terrace, which would be visually incongruous seen against the established paired dwellings; the undermining of the uniformity of the paired garages; and an uncharacteristic and incongruous access and parking arrangement, which would contrast unfavourably with the short driveways and parking to the front of dwellings.
9. The parking area would not be highly visible from Tillingham Way, but this would be seen from surrounding dwellings, from which views the incongruous appearance of a parking area in the rear garden would be readily apparent. The driveway itself and its use, as well as the new dwelling, would be prominent in views from the public realm and neighbouring properties.
10. Taken as a whole, therefore, the changes proposed would result in material harm to the established character and appearance of the appeal site and wider planned layout of the estate. I have had regard to the comparison drawn by the appellants with an approved two storey side extension to No 22¹. However, it appears that this does not involve the same access and parking arrangements as the appeal proposal. Moreover, while appearance is a reserved matter, based on the appeal submissions the extension would appear subordinate to the existing dwelling, unlike the proposed new dwelling, with a front door and more substantive roof profile. I accept that not all the pairs of dwellings are of the same width and there is an example of an existing side extension to No 12. However, this does not have the same visual effects or intensity of use as a new dwelling would add to the paired dwellings.
11. Accordingly, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policy CP1 of the Rochford Core Strategy and to Policies DM1 and DM3 of the DMP, described above. It is also contrary to the National Planning Policy Framework, which promotes good design.

¹ Ref 20/00951/FUL.

12. The appellants contend that the site is not subject to any statutory designations and that the relevant development plan policies do not provide a precise set of rules by which harm can be measured. However, there is nothing unusual with regard to these design-related policies which are district-wide in scope, irrespective of whether or not an area is subject to a statutory designation. For the above reasons, I agree with the Council's assessment of the effects of the proposed development, which results in a conflict with the development plan.

Living Conditions

13. The new access would be parallel with and close to the side garden boundary of No 20 Tillingham Way, while the parking area would be next to the rear garden boundary of No 19 Tendring Avenue.

14. No 20's patio to the rear of the house is set away from the boundary closest to the proposed driveway. However, No 20 has a relatively modest sized garden and the proposal would result in vehicle movements and parking in an uncharacteristic location well to the rear of the established building line. The likely extent and regularity of such movements, with three parking spaces in use, would result in engine noise from entry/exit and turning movements, closing of car doors and pedestrian movements to and from the dwellings. This would in my view result in a degree of noise and disturbance compared to the current layout that would cause material harm to the reasonable enjoyment of the neighbouring garden.

15. The effects would be less apparent to the occupiers of No 19 Tendring Avenue as the parking area would be situated beyond the end of the relatively long rear garden. Nonetheless, for the reasons given above, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of No 20 Tillingham Way, with regard to noise and disturbance related to access and the parking area. As such, the proposal is contrary to Policies DM1 and DM3 of the DMP, which require a positive relationship with nearby buildings, including an assessment of the impact on residential amenity.

Parking and Highway Safety

16. Policy DM3 of the DMP includes the requirement that infill residential development should provide sufficient access to the site and adequate parking provision. Policy DM30 also of the DMP says that the parking standards contained within the *Parking Standards Design and Good Practice* Supplementary Planning Document (SPD) will be applied for all new developments. There is no dispute that three spaces are required, as proposed, but it is the size and layout of the spaces which is of concern to the Council.

17. The size of parking bays proposed in this case is 5.0m x 2.5m, which the SPD indicates is the minimum bay size only to be used in exceptional circumstances, as determined by the LPA². While the Highway Authority did not object to the proposal, the SPD expects the local planning authority to determine whether such circumstances exist. I give limited weight to the appellants' argument that two of the spaces are of the same size as those previously provided for No 22,

² Paragraphs 3.2.1 and 3.2.2.

which occurred before the SPD was adopted. Given that the three spaces form a group it is important to consider the relationship between them.

18.I note in this regard that the SPD says that parking areas that have end bays adjacent to solid structures (e.g., fence or wall) should increase the width of these bays by 1m to allow for improved manoeuvrability and entry/exit of people to/from the vehicle³. The parking area would apparently be enclosed on three sides by boundary fences in relatively close proximity. The appellants contend that the size of the space to serve the proposed house could be increased. However, this would in my view still result in a cramped parking area for three vehicles, with the likely challenges indicated by the Council of accessing, turning and exiting the site.

19.I agree, therefore, that the likely result of this and the distance from the two dwellings is that at least one or more vehicles would be parked on the street rather than a dedicated space. I agree with the appellants that residents would be unlikely to wilfully block access to the rear parking area and, consequently, on-street parking would occur nearby within the cul-de-sac, to the detriment of other residents and highway safety.

20.Accordingly, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on parking and highway safety and, therefore, is contrary in this regard to Policies DM3 and DM30 of the DMP, and to the SPD, as described above.

Other Matters

21.I have had regard to representations made by interested parties. However, these do not raise any matters in addition to the main issues that would lead me to reach a different overall conclusion; or they raise matters that should more appropriately be considered under the reserved matters.

Conclusion

22.While the proposal would result in a new dwelling as windfall development, as the appellants contend, any benefits of this do not outweigh the material harm and conflict with the development plan that has been found. Therefore, for the reasons given, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

³ Paragraph 3.2.7.