



Appeal Decision

Site visit made on 20 September 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/B1550/W/22/3311185

107 Greensward Lane, Hockley, SS5 5HG

- 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 Mrs S Thomas against the decision of Rochford District Council.
 - The application Ref 22/00031/FUL, dated 24 January 2022, was refused by notice dated 28 July 2022.
 - The development proposed is to sub-divide plot of 107 Greensward Lane, demolish existing garage and construct a 2-bedroom new build bungalow with frontage onto Leamington Road using existing crossover.
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Decision

1. The appeal is allowed and planning permission is granted to sub-divide plot of 107 Greensward Lane, demolish existing garage and construct a 2-bedroom new build bungalow with frontage onto Leamington Road using existing crossover at 107 Greensward Lane, Hockley in accordance with the terms of the application, Ref 22/00031/FUL, dated 24 January 2022, subject to the conditions in the attached schedule.

Main Issues

2. These are the effect on the character and appearance of the surrounding area and whether adequate internal living conditions would be provided for future occupiers.

Reasons

Character and appearance

3. The proposed bungalow would be at the end of the garden of No 107 fronting onto Leamington Road. The appeal site is within a largely residential area. The immediate vicinity is characterised by a mix of properties including bungalows, chalet bungalows and houses of assorted designs which face onto the roads in conventional fashion.
4. Policy DM1 of the Council's Development Management Plan indicates that the design of new developments should promote the character of the locality. Policy DM3 is specifically concerned with infilling and residential intensification and expects, amongst other things, that the existing street pattern should be positively addressed. However, no policies have been cited that indicate the redevelopment of an existing private garden is unacceptable.
5. The proposal would be immediately adjacent to a bungalow of similar scale. It would perpetuate the row of development along that side of the road and so would maintain its rhythm and established pattern. The line of existing

buildings contains recession and projection. The broad alignment of the proposed dwelling with its neighbour and the modest gable projection would therefore be consistent with the street layout. Rear gardens nearby are lengthy but the new bungalow would have a small area to the side. However, this would not be 'read' as part of the street scene. Furthermore, a generous distance would be retained to No 107 such that a sense of spaciousness would not be lost. This also ensures that the proposal would not appear cramped.

6. Overall, it is to be expected that domestic buildings will be seen in residential settings. Given this and the diminutive size of the proposal it would not appear dominant or incongruous. Its siting would reference the prevailing grain of the locality. Clearly there would be a visual change but the proposal would be compatible with its surroundings and so the character and appearance of the area would not be harmed. As a result, there would be no conflict with Policies DM1 or DM3.

Internal living conditions

7. The bungalow would have a gross internal floor area of approximately 62 sq m. This would be below the minimum habitable floorspace standards expected by Table 3 and Policy DM4 of the Development Management Plan. However, the nationally described space standards have been published since its adoption. When judged against these, the single storey, two-bedroom 3 person dwelling proposed would exceed the prescribed minimum of 61 sq m. Furthermore, the layout and room sizes would be satisfactory.
8. Adequate internal living conditions would therefore be provided for future occupiers. Whilst there would be a conflict with Policy DM4 this is outweighed by the conformity with the subsequent national standards.

Other Matters

9. The Framework establishes that development should make efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens). The proposal would do that and great weight should be given to the benefits of using suitable sites within existing settlements for homes. The Council's latest housing land supply position statement indicates that this stands at 5.15 years. The appellant disputes this but it is not necessary to settle this matter in order to decide the appeal. Indeed, the proposal would accord with Framework policies that seek to deliver a sufficient supply of homes and make effective use of land.
10. Local residents have raised other objections. However, the proposal would be directly alongside 1 Leamington Road and about 18m from 105 Greensward Lane. Given this juxtaposition and as the building would be single storey, there would be no adverse implications for privacy or neighbouring living conditions more generally.
11. It is highlighted that Leamington Road is a busy cut through to the primary school and that turning right onto Greensward Lane is hazardous. However, the proposal would utilise an existing access and the consequences of the traffic movements associated with one additional property would be minimal. There are double yellow lines around the junction but opportunities exist elsewhere for visitor parking and construction traffic would be short-lived. As such, there would be no unacceptable impact on highway safety.

12. Previous applications for similar development at the appeal site have been refused but the appeal has been considered afresh and so is the subject of a separate assessment.
13. The proposal is within the zone of influence of one or more European designated sites covered by the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). In combination with other development in Rochford and elsewhere, an additional dwelling would have a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressures. Local planning authorities in Essex have developed the RAMS to deliver the necessary mitigation to address such impacts which is to be funded through a tariff.
14. In this case, the requisite sum has been paid and the Council indicates that it will be used to fund a package of mitigation measures set out in the RAMS. The Supplementary Planning Document of 2020 indicates that a strategic monitoring process is in place with a Steering Group of partner local planning authorities and a Project Board. The mitigation projects are implemented by a dedicated team overseen by the Essex Planning Officers Association. The Council is a responsible public body and accountable through its annual monitoring report. There is also a system of governance in place to provide scrutiny. In these circumstances, I am satisfied that the financial contribution would lead to effective mitigation. Indeed, there is no evidence that sums collected to date have not been spent on the measures detailed in the RAMS.
15. In this way harmful effects would be prevented. As a result, following an appropriate assessment, the proposal would not adversely affect the integrity of the habitats site.

Conditions

16. The Council has not suggested any conditions to be imposed in the event that the appeal is allowed. However, those requested by the highway authority are set out in the delegated report. These refer to policies adopted by the County Council as supplementary guidance in 2011 but given their age and status they have limited weight when applying the tests at Framework paragraph 56.
17. The plans should be confirmed in the interests of certainty. To safeguard the appearance of the area details of external materials and hard surfaced areas should be agreed. Similarly, and to ensure privacy of adjoining occupiers, details of boundary treatments should also be approved. The parking spaces shown on the plans should be secured.
18. However, no works are shown to the crossover which is within the highway in any event. There is no detail of the EPOA standards although there would be scope to provide cycle parking within the external area. The provision of residential travel information packs is a developer requirement and so likely to be relevant for larger schemes rather than for a single dwelling. There is space within the site to store building materials and if the highway were to be obstructed then other powers could deal with this. Therefore, none of these suggested conditions are necessary or reasonable.

Conclusion

19. The proposed development would not harm the character and appearance of the area and internal living conditions would be satisfactory. It would accord

with the development plan as a whole and there are no material considerations to outweigh that finding. Therefore, for the reasons given, the proposal is acceptable and the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 20/437/3200A, 20/437/3201A and 20/437/3202A.
- 3) No development above ground level shall take place until details of the external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until details of the surfacing materials and boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed prior to the first occupation of the dwelling hereby permitted.
- 5) The dwelling hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 20/437/3201A. Thereafter those spaces shall be retained for the parking of vehicles.