



Appeal Decision

Site visit made on 16 July 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/B1550/W/23/3334481

59 Victor Gardens, Hawkwell, Essex SS5 4DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Hubbard against the decision of Rochford District Council.
 - The application Ref is 23/00283/FUL.
 - The development proposed is to demolish the existing chalet bungalow to allow for the construction of a 5 bed detached house with private parking to the front.
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing chalet bungalow to allow for the construction of a 5 bed detached house with private parking to the front at 59 Victor Gardens, Hawkwell, Essex SS5 4DS in accordance with the terms of the application, Ref 23/00283/FUL, and the plans submitted with it, subject to the following 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 1201 and 1202.
 - 3) No development above ground shall take place until details of all external facing materials to be used in the development have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
 - 4) The building hereby permitted shall not be occupied until the first floor windows at on the western and eastern elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 5) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

3. The appeal site is occupied by a chalet bungalow style dwelling, set back from the road within a residential setting. Whilst the majority of dwellings in this section of Victor Gardens are bungalows or chalet bungalows, the dwellings within the road as a whole have a varied design, with examples of both detached and semi-detached properties, and bungalows and two-storey properties. The proposed development would replace the existing chalet bungalow on the appeal site with a two-storey dwelling with a greater height, width and depth than the existing property.
4. The proposed dwelling would be greater in height than the immediate neighbouring properties and therefore would be a more prominent addition within the streetscene than the existing dwelling. However, it would be well set back from the road, following the current building line and would fit well within the appeal site, with a 1 metre separation from both side boundaries. Therefore, the proposed dwelling would not appear overly dominant in its setting.
5. Furthermore, whilst it may not be the prevailing style of development in the immediate area, there are numerous examples of two-storey dwellings along this road which contribute to the overall character and appearance of the streetscene. This includes the dwelling at No.55b Victor Gardens, which although is slightly set back from the building line, still forms part of the character of the locality. It is also noted that the adjoining neighbouring property at No.57 Victor Gardens has a two-storey element on the part of the dwelling closest to the appeal site. Therefore, the proposed two-storey dwelling would not appear as an incongruous feature on the appeal site or when viewed against the existing built form in this area.
6. Therefore, for the reasons above, the proposed development would not harm the character and appearance of the appeal site or the surrounding area and would not conflict with Policy CP1 of the Rochford District Council Core Strategy 2011 (the CS) or Policies DM1 and DM3 of the Rochford District Council Development Management Plan 2014 (the DMP). These policies collectively seek to ensure that the design of new developments promotes the character of the locality to ensure that it positively contributes to the surrounding built environment, is designed in relation to the existing street pattern and promotes good, high quality design that has regard to local flavour. It would also comply with the design objectives of the National Planning Policy Framework and the National Design Guide.

Other Matters

7. The proposed dwelling would extend beyond the footprint of the existing dwelling, projecting beyond the rear elevation of both adjoining dwellings. However, in the case of No.57 Victor Gardens, this would be the single storey part of the proposal only. Although the first floor section of the proposal would extend approximately 3.2 metres beyond the rear elevation of No.59a, this is mitigated by a good separation distance and the presence of an existing garage outbuilding between the two. Therefore, the proposed dwelling would not result in a significant loss of light to either adjoining property. Similarly, due to proximity of the dwellings to one another in this area, the impact upon the side windows of the adjoining properties from the proposed dwelling would not be significantly different to the current dwelling. A condition can be implemented

to ensure there is no loss of privacy to these side windows, particularly at first floor level.

8. Third party representations make reference to the presence of a shared drain which is to be built over. However, this is not a planning matter and therefore has no bearing on my consideration of this appeal. Concerns have also been raised in relation to flooding and the reduction in the amount of soakaway area to the side of the dwelling. However, although the proposed dwelling would be slightly closer to the boundary than the existing dwelling, no evidence has been provided to suggest that this would result in increased surface water flooding. Therefore, it would not form a reason to withhold planning permission.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. Furthermore, a condition has been included requiring details of all external facing materials to be submitted to and approved by the Council, to ensure an appropriate appearance for the development. I have also included a condition requiring all first floor windows on the eastern and western elevations to be obscure glazed to ensure they do not result in a loss of privacy to the occupiers of the neighbouring properties and a condition relating to water consumption to ensure that the development complies with Policy ENV9 of the CS.
10. The Council has requested a condition in relation to the submission of details for hard and soft landscaping on the appeal site. However, this has not been included as it is not necessary to make the development acceptable in relation to visual amenity.

Conclusion

11. For the reasons given above the appeal should be allowed.

E Grierson

INSPECTOR