



Appeal Decision

Site visit made on 7 October 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/B1550/W/24/3339321

Follygate, 10 Aldermans Hill, Hockley, Essex SS5 4RW

- 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 M Bullock against the decision of Rochford District Council.
 - The application Ref is 23/00919/FUL.
 - The development proposed is the erection of a two storey, 1-bed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupants of No 8 Aldermans Hill, with regard to outlook;
 - whether the proposal would provide a suitable provision of parking; and
 - whether the proposal would provide suitable living conditions for future occupants of the development, with regard to private amenity space.

Reasons

Character and appearance

4. The appeal site comprises Follygate, No 10 Aldermans Hill (No 10), which includes a large apartment building and its associated garden and parking area. Part of the site is located between the rear garden of No 8 Aldermans Hill (No 8) and the side of No 1 Folly Lane (No 1). Development in the area is varied in respect of scale and form, but primarily fronts the roads. To the rear of the frontage buildings, development is typically limited but includes single-storey outbuildings.

5. The proposal is for a two-storey dwelling accessed from the garden associated with No 10. The dwelling would be visible from Folly Lane, between No 1 and the buildings facing Aldermans Hill. The position of the dwelling to the rear of No 8 would be at odds with the prevailing pattern of development in the area, which primarily fronts Aldermans Hill and Folly Lane. The dwelling would have a poor relationship with Folly Lane, given the intervening fence and parking area between the site and the road.
6. The proposal would erode the space to the rear of the frontage buildings at Aldermans Hill and to the side of No 1. Although the dwelling would not be cramped within this space, the constrained size of the site would limit the width of the dwelling. The proposal would be uncharacteristically narrow and out-of-proportion with the surrounding development. The discordant position, set back from Folly Lane, and narrowness of the dwelling would result in an incongruous building that would be out-of-character with the pattern of development area. Consequently, the proposal would have a harmful effect on the character and appearance of the area.
7. The appellant has drawn my attention to dwellings described as infill development in Rochford and Leigh-on-Sea. While I have been presented with only limited information of these developments and cannot draw a direct comparison, I note that these examples differ from the scheme before me as they front directly onto the roads. Moreover, the developments in Leigh-on-Sea are outside of the Borough where proposals are considered against a different development plan.
8. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DM1 and DM3 of the Local Development Framework Development Management Plan 2014 (DMP) and the National Planning Policy Framework (the Framework), which collectively seek to ensure the design of new development promotes the character of the locality to ensure that it positively contributes to the surrounding environment, including in relation to the existing street pattern and is sympathetic to local character.

Living conditions - outlook

9. The proposed dwelling would be adjacent to the rear boundary of No 8. The garden at No 8 is bounded on one side by a single-storey building and by the apartment building at No 10 on part of the other side. There is a gradual rise in land levels from the site of the proposed dwelling towards No 8.
10. The development would enclose the garden of No 8 and would be sited on lower land than No 8. However, the dwelling would be significantly higher than the existing fence and would dominate the outlook from the rear of No 8. Moreover, the dwelling would present a blank façade that would extend across the width of the rear boundary and would result in an unneighbourly form of development that would harm the outlook of the occupants of No 8.
11. While the proposal would be positioned away from the rear elevation of No 8, given the scale and design of the dwelling, the further enclosure of the rear garden would be harmful to the living conditions of the occupants of No 8. The appellant has referred other developments, in Rochford and Leigh-on-Sea, and whilst the information provided is limited, I note that the positioning and

articulation of the elevations facing the neighbouring properties differs from the proposal before me.

12. I conclude that the proposal would harm the living conditions of the occupants of No 8, with regard to outlook. The development therefore conflicts with Policies DM1 and DM3 of the DMP and the Framework, which collectively require proposals to promote visual amenity and create places with a high standard of amenity for all existing and future users.

Parking

13. The proposed dwelling would use the existing vehicular access serving the flats at No 10. The ten flats at the site are provided with 14 existing car parking spaces. Future occupants of the dwelling would be allocated one car parking space from the current provision at No 10.
14. Policy DM30 of the DMP applies the minimum parking standards contained within the Parking Standards Design and Good Practice Supplementary Planning Document 2010 (SPD), but notes that this may be relaxed in residential areas near town centres and train stations. The SPD requires the provision of one space for one-bedroom dwellings and the proposal would therefore meet the standards set out in the SPD. However, this would result in a reduction in the number of spaces serving the flats at No 10.
15. The site is located a short distance from bus stops, which provide a regular service to Hockley town centre and the railway station and may provide occupants and visitors with a realistic choice of transport modes. Given the position of the site in relation to the facilities and services in Hockley, and the availability of public transport close to the site, the reduction in the number of car parking spaces for the flats at No 10 would not result in an unacceptable increase in demand for on-street parking in the area.
16. I conclude that the proposal would make a suitable provision of parking. The development therefore accords with Policies DM1, DM3 and DM30 of the DMP and the Framework, which collectively seek to provide sufficient car parking in accordance with parking standards and ensure that safe and suitable access to the site can be achieved for all users.

Living conditions – private amenity space

17. Policy DM3 of the DMP requires adequate provision of private amenity space as set out in Supplementary Planning Document 2 Housing Design 2007 (SPD2). SPD2 requires that one-bedroom dwellings are provided with a minimum private garden area of 50 square metres.
18. The dwelling would have an external space to the side and front of the dwelling. The main part of the external area would be below the minimum 50 square metres required by the SPD2. Nonetheless, the layout and positioning of the external area would provide future occupants with a functional private amenity space. While the area to the front of the dwelling would be narrow, it would provide additional space for future occupants of the dwelling and could be used for storage purposes, for example. Given the small scale of the dwelling and the size, position and layout of the external area, the development would provide suitable private amenity space for future occupants of the development.

19. I conclude that suitable living conditions would be provided for future occupants of the proposal, with regard private amenity space. The development therefore accords with Policies DM1, DM3 of the DMP and the Framework, which collectively require adequate provision of private amenity space and to create places with a high standard of amenity for all existing and future users.

Other Matter

20. The Council have accepted a contribution to mitigate the effects on the European designated sites at the Essex Coast. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my overall conclusion on the first main issue, it is not necessary for me to consider this matter in any further detail.

Planning Balance

21. The proposal would make a positive contribution to housing supply with associated social and economic benefits during the period of construction and once the dwelling is occupied. While increasing the supply of housing land from small sites is a strategic priority, the contribution of one additional dwelling to meeting housing need in the Borough through a more efficient use of land in an urban area and the associated benefits are limited by the scale of the development proposed.
22. The dwelling would not lead to a loss of privacy or natural light to the occupants of neighbouring properties and would provide adequate parking and suitable living conditions for future occupants. Nonetheless, the absence of harm is a neutral factor in the planning balance.
23. Taking the stated benefits together, collectively there would be limited benefits associated with the appeal scheme. However, the harm to the character and appearance of the area and to the living conditions of the occupants of No 8 with regard to outlook, and the conflict with the development plan would be of greater significance.

Conclusion

24. The proposal conflicts with the development plan as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR