



Appeal Decision

Site visit made on 4 December 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/B1550/W/24/3343513

198 Plumberow Avenue, Hockley, Essex SS5 5PL

- 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 and Mrs Cops against the decision of Rochford District Council.
 - The application Ref is 23/00791/FUL.
 - The development proposed is demolish existing detached house and construct 2 no. two bedroomed semi-detached bungalows and 1 no. two bedroomed detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new National Planning Policy Framework (the Framework) came into effect on 12 December 2024. The parties have had the opportunity to comment on whether the changes made have any relevance to their cases and I have taken comments received into account.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of 194 Plumberow Avenue, and
 - the effect on the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is in a residential area, including a variety of houses and bungalows in different styles. It currently contains a detached chalet bungalow, which is set well back from the road and accessed via a driveway between two neighbouring dwellings. There is a collection of outbuildings and space for parking cars directly in front of the house and a long, narrow grassed area runs alongside the driveway.
5. The adjacent dwelling at 194 Plumberow Avenue is also a chalet bungalow, with a long dormer roof along the side-facing roof slope. There are several windows in the dormer, close to the boundary, facing the appeal site, as well as side-facing ground floor windows behind a boundary fence and wall.

6. The outlook from 194 Plumberow Avenue includes the existing access and parking area so, to that extent, the view over the new access and parking area would not be fundamentally different. However, notwithstanding the number of cars owned by the current occupiers, the future level of activity within that area is likely to be materially increased. Occupiers of each dwelling would have their own pattern of travel for work, school and leisure which, in combination, could be expected to increase the frequency of arrivals and departures. Given the very direct outlook over the site, occupiers of 194 Plumberow Avenue would be highly aware of the increased level of comings and goings.
7. As well as vehicles arriving, departing and turning within the site, there could be noise from car doors slamming, engines idling and audible conversation. Furthermore, the proposed layout would introduce parking and turning areas along the full length of the access road, including alongside the outdoor amenity areas, where the occupiers could reasonably be expected to seek peace and quiet. The proposed layout, introducing increased noise and disturbance alongside the boundary, would consequently undermine living conditions for the occupiers of 194 Plumberow Avenue to a harmful degree.
8. The boundary fencing and wall would continue to provide screening at ground level and could be reinforced with planting. That would help to shield the glare of headlights. However, it would not adequately mitigate the adverse effect of additional noise and disturbance within the outdoor amenity areas.
9. While I acknowledge that the affected occupiers did not express any objection, maintaining appropriate living conditions for those living nearby is an important design consideration, to ensure that development functions well over its lifetime and provides a high standard of amenity. This aspect of the proposal would conflict with the Framework's focus on achieving well-designed places, notably relevant criteria within paragraph 135. While the Council did not allege that similar harm would arise in relation to a previous application¹, that proposal included a dwelling in the front part of the site, so the layout of the access and parking areas was clearly different.
10. Consequently, for the reasons given above, I conclude that the proposal would have a harmful effect on the living conditions of occupiers of 194 Plumberow Avenue. In that respect, it would conflict with relevant requirements in Policy DM3 of the Development Management Plan² (DMP), which requires, amongst other things, that proposals for infilling, residential intensification or backland development carefully consider and positively address the impact on residential amenity. It would also conflict with relevant requirements in the Framework, as noted above.

Character and Appearance

11. There are other developments of similar layout on nearby sites, so the introduction of additional backland development is not untypical of the street scene. While the Council alludes to the development being tightly packed, no concerns were raised about the design of the dwellings, taking account of the varied character, including ridge heights, within the existing street scene. However, the reduction of the grassed area to provide car parking does appear to be a consequence of the number of dwellings proposed at the rear.

¹ Rochford District Council application ref 23/00049/FUL

² Rochford District Council Development Management Plan 2014

12. Although the amount of grass would be reduced, the existing tree at the front of the site would be retained and additional planting would be introduced around each pair of spaces. The surrounding street scene is not particularly verdant and includes several fully paved driveways and other forms of hard landscaping. While the proposed parking spaces would not be conventionally laid out in front of each dwelling, the balance between soft landscaping and hard surfaces in the most visible part of the site would remain reasonably consistent with the surrounding street scene.
13. None of the other backland developments highlighted in the evidence includes a similar parking arrangement. Most have narrower driveways without space for parking alongside. Nevertheless, there a variety of approaches to parking provision within the street as a whole, and the arrangement on the appeal site would not stand out as particularly unusual or odd.
14. The immediately neighbouring plots are larger, with the recent developments at 190-192 and 206 Plumberow Avenue each having introduced a single detached dwelling on a larger plot at the rear, with narrower semi-detached dwellings on the street frontage. However, there is a variety of plot sizes in the vicinity of the site, including some which are of comparable proportions to those around the proposed dwellings.
15. There would still be an open area between 194 and 200 Plumberow Avenue, where no buildings are proposed. The introduction of car parking within that space would not alter the separation between buildings along the street frontage or have a materially detrimental effect on the overall level of spaciousness within the street scene. When also taking into account the single storey form of the dwellings, with low, fully hipped roofs, set well back within the site, the development as a whole would not look harmfully cramped. While the Council suggests that a development of two dwellings would be more suitable and avoid the need for parking in a forward position, that is not the proposal which is before me.
16. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. This aspect of the proposal would not conflict with relevant requirements in Policies H1 and CP1 of the Core Strategy³, or Policies DM1 and DM3 of the DMP. These policies collectively require that development is well designed, while allowing for some infilling within residential areas where it relates well to the existing street pattern, density and character of the locality. The proposal would also be consistent with the overall approach to design in both the Framework and Policy DM1, which recognise that a balance may be struck between responding to existing character while allowing for appropriate innovation and change.

Other Matters

17. My attention has been drawn to several nearby developments which make more intensive use of land and/or contribute to a pattern of backland development in the vicinity of the site. While there are some with similar layouts, none are directly equivalent in terms of the parking layout and its relationship with the neighbouring property. Therefore, while I have had regard to all the examples given, these nearby developments do not alter the

³ Rochford District Council Core Strategy Adopted Version 2011

conclusion I have reached above regarding the harmful effect on living conditions for occupiers of 194 Plumberow Avenue.

18. While I have concluded that the development would not be harmful in visual terms, it would not be of particular benefit to the overall quality of the area, since the existing chalet bungalow sits comfortably within the varied street scene and the collection of outbuildings is largely screened from view. While the layout may provide a relatively quiet, contained environment for future occupiers of the dwellings themselves, that is at the expense of a similarly peaceful environment for the neighbouring occupiers.
19. The design omits dormer windows included in an earlier proposal, to avoid overlooking adjacent properties. The dwellings would provide adequate internal and external space and an energy efficient approach is proposed. However, none of these factors would go beyond the normal expectations of good design, so they carry only limited weight in favour of the proposal.
20. The Council's evidence states that a five year supply of housing land is in place and I have not been provided with any evidence challenging or updating that position. As such, based on the evidence before me, paragraph 11d of the Framework is not applicable. The development would, nevertheless, make a modest contribution of two dwellings, which would in a small way boost the supply of housing; a key focus of Government policy and the recent revisions to the Framework. The dwellings would be on a single level, supporting occupation by a range of occupiers. However, the application was for market housing and would not include affordable housing as defined in the Framework. Nor is any mechanism proposed which would secure the delivery of self-build housing, homes for rent or accommodation restricted to occupation by first time buyers or older people downsizing.
21. The dwellings would be on a small site and are likely to be delivered relatively quickly and support the role of small and medium sized builders within the housing market. More intensive use would be made of previously developed land in an urban area, where there is access to a range of services and facilities. However, while this is, in principle, a matter attracting substantial positive weight, in this particular case, the approach to more efficient use of land would cause substantial and enduring harm to living conditions for occupiers of an adjacent property, and that weighs against the advantages of using brownfield land.
22. While the revised Framework omits earlier wording relating to whether development is wholly out of character with the existing area, paragraph 135 continues to include a focus on ensuring that all development is well designed, providing a high standard of amenity and functioning well over the lifetime of the development. The adverse effect on living conditions for the occupiers of 194 Plumberow Avenue would be at odds with that approach. Overall, while there are a number of beneficial aspects to the proposal, as outlined above, they do not outweigh the harm which would arise as a result of the proposed layout and its relationship with that adjoining property.
23. Although there were no objections at the time of the planning application, several concerns have been raised by occupiers of another neighbouring property in response to this appeal. The Council's statement of case also raised additional points regarding the suitability of the arrangements for turning within the site, which had not been clearly articulated in the reasons

for refusal. However, as I am dismissing the appeal for the reasons given above, it is not necessary for me to consider those points in any further detail, since the outcome would be the same.

24. While I have noted evidence that a financial contribution has been made by direct payment, for mitigation of likely significant effects on Essex Coast Habitats Sites, it is likewise not necessary for me to consider this matter further, given the conclusions reached above.

Conclusion

25. The proposal conflicts with the development plan and the other material considerations do not indicate that the appeal should be decided otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR