



Appeal Decision

Site visit made on 13 January 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal Ref: APP/B1550/W/24/3344839

Land Adjacent to 77 West Street, Rochford SS4 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Bullock against Rochford District Council.
 - The application Ref is 23/01014/FUL.
 - The development proposed is the erection of detached building with two flats.
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Decision

1. The appeal is dismissed and planning permission for the erection of detached building with two flats is refused.

Preliminary Matters

2. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. In response to the appeal, the Council has prepared a statement outlining its view that permission should be refused. I have had regard to this statement and the suggested reasons for refusal within it in framing the main issues below.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. However, the changes to national policy arising from it do not materially affect my consideration of the issues before me in this appeal. Accordingly, I have not sought comments from the main parties about this matter.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Rochford Conservation Area (CA); and
 - whether the site is a suitable location for the proposed development with regard to flood risk.

Reasons

Conservation Area

5. The appeal site is located within the Rochford Conservation Area (CA). As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to preserving or enhancing the character or appearance of a conservation area. Paragraph 212 of the Framework

states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The CA covers the historic town centre and includes the backlands east of South Street and north of West Street, and also the area west of the town covering the station, the parish church, and Rochford Hall, a Tudor mansion now partially demolished. The significance of the CA is that it is an exceptional example of a historic market town centred on cross-roads. Just a handful of buildings survive from the medieval period, the street plan and location of the marketplace remain largely medieval in layout.
7. The appeal site is within Character Zone 3 of the CA, which covers the western end of West Street. The site is to the side of No 77 West Street, a two-storey building that forms the end of a row of properties. Development on this side of West Street is typically set back beyond the Iron Well stream and is to the side of the car park serving the railway station, giving a more spacious feel to the area, which the open nature of the site contributes towards. While there is variety in the architecture in the area, including the differing roof forms and use of dormer windows, the scale of the buildings on this side of West Street is consistent. Moreover, the layout of fenestration within the row of buildings creates a pleasing and balanced appearance that contributes to the consistent rhythm. Although of twentieth century origin, the neighbouring buildings make a positive contribution to the area.
8. The proposal is for a detached building to provide two flats at first and second floor level. While the ridge height would be broadly consistent with that of the neighbouring buildings, the eaves height would jar with the lower eaves of the row of buildings to the side of the site. The higher eaves would elongate the first floor, which would be accentuated by the raised positioning of the dormer windows. Moreover, the narrow width of the building is out of proportion given the overall height of the building and jars with the typically well-proportioned rhythm of the existing properties.
9. The building would have a wide opening at ground floor level with the elevated entrance providing access at first floor level. The considerable void and the offset layout of openings would present an unordered and unbalanced appearance that would jar with the consistent and balanced appearance of buildings in the area. While the proposal would incorporate features and materials used within the neighbouring building, including dormer windows and brick and render finishes, the design and layout of the building would harm the spacious character of this part of the CA and the consistent and balanced appearance of the neighbouring properties.
10. Development at the site would have a high visual impact on the surroundings given the prominence of the site close to the entrance to the railway station and the busyness of West Street. As such, the unsympathetic proposal would cause harm to the significance of the CA. The harm to the significance would be less than substantial and must therefore be weighed against the public benefits of the scheme, in accordance with Paragraph 215 of the Framework.
11. The proposal would provide two dwellings making a small contribution to housing supply and the Framework explains that small and medium sized sites can make

an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The dwellings would be within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. In addition, However, the contribution of two dwellings and the associated benefits are limited by the scale of development proposed and would not outweigh the harm identified.

12. I conclude that the proposal would not preserve the character or appearance of the CA. The development therefore conflicts with Policy CP2 of the Local Development Framework Core Strategy 2011 and Policies DM1 and DM3 of the Local Development Framework Development Management Plan 2014, which collectively require proposals to have regard to the Conservation Area Appraisal and Management Plan, have a positive relationship with existing and nearby buildings, and avoid a detrimental impact on the historic environment.

Flood Risk

13. The parties agree that the site is within Flood Zone 2, which has a medium probability of flooding. A Flood Risk Assessment¹ is included that recommends mitigation measures to reduce the risks to an acceptable level over the lifetime of the development.
14. Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas of highest risk. Paragraph 173 states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
15. The Environment Agency and the Council's Development and Flood Risk Officer have not objected to the development. Nonetheless, the Planning Practice Guidance is clear and advises that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. In the absence of such, it cannot be safely concluded that there are no other sites for the proposed development which are at lower risk of flooding. The proposal therefore fails the sequential test and would therefore not be an acceptable form of development with regards to flood risk.
16. I conclude that the site is not a suitable location for the proposal with regard to flood risk. The development therefore conflicts with the Framework, which seeks to direct development away from areas at highest risk of flooding.

Other Matter

17. The appeal site is located within the Zone of Influence of are European designated sites at the Essex Coast. The information before me indicates that the development proposed, either alone or in combination with other developments, would be likely to have a significant effect on the European designated sites through recreational disturbance. The appellant has not submitted a Unilateral Undertaking providing for a financial contribution intended to manage and mitigate

¹ Dated 2023-09-09, prepared by GeoSmart Information Ltd

adverse effects of the development in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. However, given the harm that I have identified and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further and in light of the provisions of the Conservation of Habitats and Species Regulations 2017 as it could not alter my decision.

Conclusion

18. The proposal conflicts with the development plan as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR