



Appeal Decision

Site visit made on 27 May 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/B1550/W/24/3352174

44 Golden Cross Road, Rochford, Essex, SS4 3DG

- 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 Darren Wilson Builders Ltd against the decision of Rochford District Council.
 - The application reference is 22/01193/FUL.
 - The development proposed is demolition of existing two-bed detached bungalow, construct 2no detached bungalows to rear of site with new access road from Golden Cross Road and 1 No. detached bungalow to front of existing site.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision on the application that led to this appeal, an updated version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in decision-taking from the date of its issue. The parties have had the opportunity to comment on the changes to the Framework and I have taken any comments into account in my decision. I consider that no prejudice would occur to any parties as a result of me taking the Framework into account in my assessment of the appeal's merits.

Main Issues

3. The main issues in this appeal are the effect of the proposal on: -
 - The character and appearance of the site and the surrounding area; and: -
 - European Protected Sites.

Reasons

Character and appearance

4. The appeal site (the site) fronts onto Golden Cross Road. To the rear lies open land. The site currently contains a modest bungalow set towards the front of its plot, with a small front and long rear garden. The dwellings fronting Golden Cross Road vary widely in scale and design but are generally set back behind moderately sized front gardens.
5. Generally, the grain of the built form of the area is of dwellings facing onto the street, set back from the street within spacious plots. This provides the area with a feeling of spaciousness, whilst the dwellings have a strong visual presence in the

street. These contribute positively to the local character and appearance of the area immediately around the site.

6. However, elsewhere along Golden Cross Road there have been other residential developments which have introduced dwellings behind those fronting Golden Cross Road itself. These form cul-de-sac arrangements, with the buildings set at the end of short streets, extending behind the plots to either side. These developments introduce a separate character to the area, distinct from that which I have identified above, being less spacious and extending significant built form behind the dwellings fronting onto Golden Cross Lane. Nonetheless, each building has a presence on the cul-de-sac street serving it.
7. Whilst planning policy, both locally and nationally have changed subsequent to the granting of permission for these developments, they nonetheless form part of the wider area around the development and contribute to its character and appearance.
8. The proposal would redevelop the site providing a single bungalow on the frontage to Golden Cross Road, with two bungalows set towards the rear of the plot. These would be reached by an accessway which, whilst sufficient to allow two cars to pass, would nonetheless appear cramped within the plot.
9. In contrast to the cul-de-sac developments the proposal before me would be limited to the width of the individual plot of which it forms part, with the two bungalows set very close together, occupying almost the entire width of the plot. This would give the development a cramped appearance when viewed from the street through the accessway proposed, at odds with the more open aspect of the shared space around which the cul-de-sac dwellings sit.
10. Whilst the positioning of the bungalow to the front of the plot would retain the sense of openness experienced when passing along the street, the cramped appearance of the two rear plots, viewed from the street, would provide a jarring contrast to that sense of openness, even when compared to the cul-de-sac developments nearby. In so doing the proposal would fail to reinforce or enhance the identity of the neighbourhood. The discord with the surrounding built area would be significantly harmful to the pattern of development in the locality.
11. The area has a diverse range of building scales and designs utilising a variety of materials and finishes. The architectural design of the proposed bungalows would not, of itself, be out-of-keeping with that of nearby buildings. This does not, however, outweigh the harm that I have identified above which relates to the incongruous layout of the proposal with the local area.
12. Bringing these matters together, I find that the proposal would have a harmful effect on the character and appearance of the site and the surrounding area and would therefore be contrary to the aims of Policy H1 of the Rochford District Council Core Strategy (2011) (the CS) and Policies DM1 and DM3 of the Rochford District Council Development Management Plan (2014) in as much as these, together, seek to ensure that development relates well to the existing street pattern, density and character of the locality, and has a positive relationship with existing and nearby buildings..
13. For similar reasons the proposal would be contrary to the aims of the Rochford District Council Supplementary Planning Document 2: Housing Design (2007) in as

much as this seeks to ensure that infill development is of a form compatible with the existing form and character of the area within which it is to be sited.

Protected sites

14. There is no dispute between the parties that the site lies within the area of influence of one or more of the European Protected Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). The relevant sites in Essex are identified by the Council as Essex Estuaries SAC, Stour and Orwell Estuaries SPA and Ramsar, Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, Crouch and Roach Estuaries SPA and Ramsar, Foulness Estuary SPA and Ramsar, Benfleet and Southend Marshes SPA and Ramsar and the Outer Thames Estuary and Marshes SPA and Ramsar. Policy ENV1 of the CS seeks to protect such sites from harm.
15. The development would increase the number of residents in the district, and so the development would, when considered in combination with other development, result in a likely significant effect on the integrity of the protected sites as a result of recreational pressures.
16. Jointly the local authorities within Essex have, in consultation with, and with the agreement of, Natural England have adopted the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (2020) (Essex Coast RAMS) which incorporates strategic mitigation measures to be delivered to avoid adverse impacts where appropriate.
17. This provides a strategic, county wide approach to mitigating recreational pressures on the protected sites through the securing of financial contributions for access management schemes and monitoring proposals. As this is an agreed approach with Natural England the proposed development can be assessed within the context of the Essex Coast RAMS. On this basis I consider that this is an appropriate approach to mitigating identified harms.
18. The appellants have paid the appropriate financial contribution. As the payment is specifically intended for the purpose of mitigating the harm to the Protected Sites that I have identified and has been specifically calculated within the Essex Coast RAMS with this intent, the payment is necessary, directly related and fairly and reasonably related in scale and kind to the development.
19. I therefore conclude that there would be no adverse residual effect on the European Protected Sites and, as a consequence, the proposal is in accordance with the requirements of policy ENV1 of the CS.

Other Matters

20. The Council can demonstrate a housing land supply of approximately four and a half years, and the appellant has not disputed this figure. This is less than the Government's expectations that all Councils should be able to deliver a supply of 5 years. Thus, the additional two homes that would be provided by the proposal would make a small contribution towards the government's aim of significantly increasing the supply of housing.
21. The site lies within the built-up area of Ashingdon. However, land in built-up areas such as residential gardens does not constitute previously developed land. The

Framework, nonetheless, supports the development of windfall sites and of under-utilised land and identifies 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. Great weight should be given to the benefits of using suitable sites within existing settlements for homes. These considerations therefore weigh in favour of the proposal.

22. The proposal would be of a suitable size to provide a dwelling for a small family yet provide single-storey dwellings suitable for lifetime use. There would be further benefits to the local economy through the provision of short-term support to the building industry and longer term support to local shops and businesses. Given the scale of the development, these are public benefits that weigh moderately in favour of the proposal.

Final Balance

23. The proposal would harm the character and appearance of the area because of its design. There would be conflict with Policies H1, DM1 and DM3, together with the SPD2. The proposal would therefore not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.
24. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development of brownfield land within settlements and observe that small sites can make an important contribution to meeting the housing requirement. In Rochford District the future supply is insufficient. Because of this, paragraph 11 d) of the Framework is engaged.
25. The policies in the Framework seek to both deliver a sufficient supply of homes and achieve well-designed places. However, the creation of high quality places is a fundamental aim of the planning and development process. The proposal fails in this respect. Although there is considerable support for new housing in this location the benefits in terms of the overall position in the District would be limited. In the particular circumstances of this case the importance of good design overwhelms the provision of two extra windfall units.
26. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

I A Dyer

INSPECTOR