

The Planning Inspectorate

For official use only
(Date received)

3-Nov-2011 13:57

PERSONAL DETAILS (Online Version)

Personal details given in this document will not be publicly available.

APPEAL REFERENCE: **APP/B1550/D/11/2164146**

1. APPELLANT PERSONAL DETAILS

Name Mr Paul Wilson

Organisation Name (if applicable)

Address Halliards, Pooles Lane
Hullbridge
HOCKLEY
Essex

Phone no. 01268 770297

Fax no.

Email paul@rayleighmotors.co.uk

Postcode SS5 6PU

Please confirm how you wish to correspond with us:

Electronically, via email address specified above ☒

On paper, by post ☐

2. AGENT PERSONAL DETAILS (if any)

Name Mr Robert Parish

Organisation Name (if applicable)

Address 20 Strangman Avenue
BENFLEET
Essex

Your reference 11-112 Wilson

Phone no. (07759) 239490

Fax no.

Email rob@rspdesign.orangehome.co.uk

Postcode SS7 1RB

Please confirm how you wish to correspond with us:

Electronically, via email address specified above ☒

On paper, by post ☐

3a. SITE OWNERSHIP DETAILS

Owner's name

Address at which the notice was served

3b. AGRICULTURAL HOLDINGS CERTIFICATE

Tenant's name

Address at which the notice was served

4. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

- ☒ I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).
- ☒ I confirm that all sections have been fully completed and that the details of the ownership (section H) are correct to the best of my knowledge.

Signature

Date

3 November 2011

Name (in capitals) Mr Robert Parish

On behalf of (if applicable) Mr Paul Wilson

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

NOW SEND...

● 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the supporting documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

● You may wish to keep a copy of the completed appeal form for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

G. GROUNDS OF APPEAL

** See separate documents **

CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE _____ ✓

This is normally the simplest, quickest and most straightforward way of making an appeal. The 'Householder Appeals Service' written procedure is particularly suited to small-scale developments.

2. THE HEARING PROCEDURE _____

This procedure is likely to be suited to more complicated cases which require detailed **discussion** about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate will consider whether your appeal is suitable for this procedure against the criteria. You must give detailed reasons below or in a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need YES NO
to tell us about? If so please explain below.

3. THE INQUIRY PROCEDURE _____

This is the most formal of procedure. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure against the criteria. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

Please answer the questions below.

- a) How long do you estimate the inquiry will last?
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

No. of days

- b) How many witnesses do you intend to call?

No. of witnesses

- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.

YES

☐

NO

☐

H. (part one) SITE OWNERSHIP CERTIFICATES

We need to know who owns the appeal site. If you do not own the appeal site or if you own only part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the 'certificates' applies.

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

A



I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B



I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance leaflet*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Date the notice was served
(this must be within the last 21 days)

CERTIFICATES C & D

C/D



If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the *Guidance leaflet* and attach it to the appeal form.

H. (part two) AGRICULTURAL HOLDINGS CERTIFICATES

We need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A



OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant: B(i)



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B(ii)



Tenant's name

Date the notice was served
(this must be within the last 21 days)

Details of additional tenants

I. ESSENTIAL SUPPORTING DOCUMENTS

If we do not receive both your appeal documents by the end of the appeal period, we will not accept your appeal.

You must send the documents listed below with your appeal form. Please tick the boxes to confirm the documents are enclosed.

- | | | |
|---|---|-------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | <input checked="" type="checkbox"/> |
| 2 | A copy of the LPA's decision notice . | <input checked="" type="checkbox"/> |

J. OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

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K. NOW SEND...

● 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

● You may wish to keep a copy of the completed appeal form for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to householderappealform@pins.gsi.gov.uk. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/B1550/D/11/2164146

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

* The Documents Listed Below Were Uploaded With The Appeal Form *

===== GROUNDS OF APPEAL =====

TITLE: Grounds of Appeal 1
DESCRIPTION: Grounds of appeal
FILENAME: Reasons for Appeal 28-10-11.doc.doc

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2075
FILENAME: IMAG2075.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2076
FILENAME: IMAG2076.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2077
FILENAME: IMAG2077.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2078
FILENAME: IMAG2078.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2079
FILENAME: IMAG2079.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2080
FILENAME: IMAG2080.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2081
FILENAME: IMAG2081.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2082
FILENAME: IMAG2082.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2083
FILENAME: IMAG2083.JPG

TITLE: Grounds of Appeal 1
DESCRIPTION: Photo - IMAG2084
FILENAME: IMAG2084.JPG

===== ESSENTIAL SUPPORTING DOCUMENTS =====

TITLE: 01. A copy of the original planning application sent to the LPA.

Continued on Supplementary Sheet

M. SUPPLEMENTARY SHEET

Appeal Documents (continued)

DESCRIPTION: Application form Page 1
FILENAME: Application form page 1.jpg

TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application form Page 2
FILENAME: Application form page 2.jpg

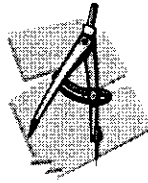
TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application form Page 3
FILENAME: Application form page 3.jpg

TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application form Page 4
FILENAME: Application form page 4.jpg

TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application form Page 5
FILENAME: Application form page 5.jpg

TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application form Page 6
FILENAME: Application form page 6.jpg

TITLE: 02. A copy of the LPA's decision notice.
DESCRIPTION: Decision notice
FILENAME: Decision Notice.pdf



ROB PARISH
B.ENG (HONS)

DESIGN & PLANNING SERVICES

TELEPHONE 07759-239490

Email- rob@rspdesign.orangehome.co.uk

STATEMENT TO ACCOMPANY PLANNING APPEAL

Application No: 11/00386/FUL

Site Address: Halliards
Pooles Lane
Hullbridge
Essex

Appellant: Mr & Mrs P Wilson

Proposal: Convert 2 bedroom bungalow to 5 bedroom chalet,
incorporating front and rear dormers, and
construct detached single garage to side

Local Authority: Rochford District Council
South Street
Rochford
Essex
SS14 1BW

Date of decision: 16th August 2011

Reason for appeal: Refusal of planning permission

Background to Appeal:

The appeal relates to a refusal of planning consent at the above address.

The existing property is a two bedroom detached bungalow, set centrally to its plot, which is defined as within the residential development area of Hullbridge. Opposite, and to the South of Pooles Lane, the site faces onto land defined as Green Belt.

There is a separation to boundary of approximately 2.3m between the flank wall of Halliards and the East boundary, which is a close boarded timber fence of minimum height 1.6m, rising to 1.8m at the rear garden, and screened with mature shrubs. There is a separation of approximately 3.3m between the flank wall of Halliards and the West boundary, which is screened with a mature hedge

To the left (West), the site is bounded by "Elm Lodge", which is a chalet style property with a single storey element constructed close to the boundary, and side facing dormer at first floor level.

To the right (East), the site is bounded by the rear gardens of Nos. 1, 2 and 3 Crouch Meadow. These are residential bungalows with rear gardens approximately 12m deep, and with single storey rear extensions / conservatories in some instances.

To the rear (North) the site is bounded by the rear garden of No. 4 Crouch Meadow. This dwelling is set approximately in line with No. 3, and not directly alongside the rear boundary of the appeal site.

Planning permission had previously been sought from Rochford District Council for a similar scheme, and refused. Following this refusal, the roofline to the proposal was altered, and a part hipped roof introduced, to soften the appearance of the roof and reduce its bulk and impact.

The Local Authority have cited the following reason for refusal;

The proposal by way of extending the existing bungalow to a chalet would result in an unacceptable relationship with the neighbouring property at No. 2 Crouch Meadow, giving rise to, by way of the increase in height and resultant design, the creation of an intrusive and dominant flank wall, extending along the shared boundary with No. 2, such creating a sense of enclosure and overbearing to the rear garden and rear windows of this neighbouring property, detrimental to the amenities of the occupiers of this property ought reasonably expect to enjoy, contrary to part (ix) and (x) of policy HP6 of the Local Plan

Objections to the planning application were received from No. 1, 2 & 3 Crouch Meadow.

No objection was raised by the Highways Agency or Parish Council.

Design Factors:

It is proposed to retain the existing footprint of the bungalow, and build up to form new first floor accommodation, providing a total of 3 bedrooms to the first floor (plus two existing bedrooms to the ground floor). The architect's scheme is to construct a chalet style dwelling, with front and rear facing dormers, and a storey-and-a-half gable roof to provide feature and additional headroom. The front facing dormers

would be gable ended, pitched roof design, with the wide, rear facing dormer having a mono pitched roof and only high level windows (serving the landing and Ensuites). Following a previous planning refusal, the general design has been amended and now includes a part hipped roof to both flanks, to reduce the bulk and dominance of the roof. No side facing windows are to be installed at first floor level.

The proposed detached garage would be constructed between the dwelling and the flank boundary with Elm Lodge, and set back from the building line.

General Street Scene:

The street scene is mixed, and in a semi-rural location. As stated previously, to the South of Pooles Lane is open Green Belt. Halliards is a bungalow with a low pitched felt roof and facing brickwork walls with inset rendered panels. Elm Lodge (to the West) is a large chalet style dwelling which has been significantly and previously extended towards the boundary with Halliards. Nearby properties to Crouch Meadow are traditional style bungalows of similar design to each other, some of which have previously been extended to the rear by the addition of conservatories (notably No.1). These dwellings have staggered rear building lines, with approximate minimum garden depths of 12m to the rear boundaries.

As the dwellings to Crouch Meadow are set side-on to Pooles Lane, these are not immediately apparent as part of the general street scene. When standing directly opposite to the property, the eye is drawn to Elm Lodge which to some extent crowds the boundary with Halliards.

Mediating Factors to Local Objections:

(as stated in planning officer's report)

It is noted that there were 3 objections raised to the proposal by nearby residents, and taken into consideration by the local authority. The planning officer's report negates some of the points raised, as follows;

The planning officer's opinion is that some overlooking to the rear garden of No.1 Crouch Meadow could occur, however as the new first floor room would be a bedroom, and taking into account the existing side facing dormer to Elm Lodge, it was considered that this would be minimal.

It was noted that the rear facing dormer, whilst not of ideal design, is not visible from the public highway. All rear facing first floor windows would be high level. Windows serving the Ensuites would of course be obscure glazed, and it would be acceptable to the appellant if the landing windows were also obscure glazed.

The planning officer's report states that no direct overshadowing to the properties in Crouch Meadow would be likely.

The main reason for refusal is the design of the flank wall to the East elevation, which is addressed later in this report.

Justification of Appeal:

The appellant in no way wishes to cause loss of privacy or outlook to any of their neighbours, and the architect's design reflects what was felt to be a reasonable

compromise to the first floor layout in order to minimise any detrimental effects to neighbouring properties. It was felt reasonable to assume a chalet style construction would be acceptable, given the design and siting of Elm Lodge, and the architect has worked on this general principle. In order to work with the existing footprint of the bungalow, the front facing storey-and-a-half gable has been introduced - the front building line is set forwards to this side. It was considered that this type of construction would allow some useable space to the first floor over this area, and also add feature and contrast to the front elevation.

Addressing some of the points raised by neighbours to the design as follows;

No.1 Crouch Meadow

The main objection, being the front facing first floor bedroom window, has already been addressed by the planning officer's report. For planning purposes, it is generally agreed that a 45 degree sight line may be taken from the centre line of a window across towards the boundary. This sight line would bisect the rear garden of No.1 but not the actual dwelling, and so no direct overlooking of the property itself would be resultant. It would be difficult to obtain a sight line into No.1 without leaning from the opened window, which would clearly not occur. Any overlooking of the garden itself, at such an acute angle, would be a less significant loss of privacy than the existing side facing dormer to Elm Lodge, which offers direct views into No.1 Crouch Meadow, as well as a complete loss of privacy to the front garden of Halliards.

The proposed flank wall of Halliards is to the North West of this property and does not overlap with the rear garden of No.1. With sunlight angling from East-South-West, at no time of day would overshadowing occur.

No.2 Crouch Meadow;

It is suggested that the proposed alterations to Halliards would affect the general character of the area, however it is noted that the proposed scheme, if implemented, would present a similar size / height / scale of development to that adjoining at Elm Lodge, and would not therefore be unique (ie. the only property offering first floor accommodation or with this height of ridge line).

As the main planning office reasons for refusal centre around, in principle, this side facing wall, we would note that this letter of objection states that the wall will be "a shear gable wall 7.5m high". This may be misleading, and would seem more relevant to the previous planning application (refused - which is not being appealed). Scaling from the architect's elevation drawings, and assuming a storey height of 2.4m and window head height of 2.1m, the front (storey and a half) section of the wall would appear to be around 4.2m high above ground level to eaves, and the main gable wall around 5.3m high to eaves. Above this line, the hip and pitch of the roof angles away from the boundary, and so the scheme would be significantly less dominant than a true gable end of 7.5m, or a true two storey dwelling, which would traditionally have an eaves height of around 5m. It would be reasonable to assume that only shear facing walls cause loss of light, and that a pitched roof angling away from the boundary is running with a sight line taken from the boundary and of lesser impact. This is covered in further detail later in this report.

No.3 Crouch Meadow;

As noted elsewhere, the proposed rear facing first floor windows to the scheme would be marked as obscure glass as a condition of any approval, and openable only above 1.8m above finished floor level, therefore no direct overlooking of this property or its amenity space would occur.

The proposed development and flank wall of Halliards does not back directly on to No.3, which is set to the North East of the site. Halliards has sufficient separation from this dwelling that no overshadowing would occur, especially as the roof line of the chalet essentially angles away from this property.

Summary:

It is felt that the following pertinent points relevant to the design and application should be noted and taken into consideration as part of this appeal;

- The main issue of contention and reason for refusal of this planning application is the side facing flank wall and relationship of this to No.2 Crouch Meadow. The planning officer's report states that this wall would create an unacceptable relationship with this property, being overbearing and obtrusive to the rear garden and rear facing windows of this property. Please refer to the accompanying marked-up architect's elevation, which more clearly shows the approximate relationship between the two properties. Taking a reasonable sight line of 25 degrees from the horizontal plane, from the rear windows of No.2 there would be no loss of light by the implementation of the scheme. It is appreciated that the proposed scheme represents a significant alteration to the bulk and design of Halliards, however this should be decided upon it's own merits as a design, rather than on the basis of loss of outlook / privacy. If a 45 degree sight line is implemented from the eaves point of the part hipped roof, then it is apparent this, when viewed from the adjoining garden, is of relatively minimal impact.
- The roofline to the flank wall is a part gable, part hipped construction. This appears more dominant on a plan view than would actually be the case, given that only the central 3m (approximately) of the wall is at it's full height.
- The proposed style of the dwelling is a chalet. The architect has designed the property this way in order to minimise loss of privacy and outlook to nearby dwellings. The overall impact of the scheme and scale of the development would be similar to that already implemented at Elm Lodge, and therefore in keeping with the street scene in general.
- The scheme uses the existing footprint of the bungalow, so will retain a good separation from all boundaries. Whilst the garage is sited close to the West flank boundary, this boundary has already been developed by Elm Lodge. As the proposed garage is set back from the front of the building, no evidence of terracing will occur.
- No side or rear facing windows are proposed, other than where obscure glazed and at high level only. The front facing bedroom window has been previously addressed, but is clarified on the site plan, where a 45 degree sight line has been indicated
- Consideration should be given to the adjoining development previously carried out at Elm Lodge, when weighing the merits of this proposal. The design and scale of the proposal are not out of keeping with this existing works, and it would be noted that these two properties when viewed alongside each other form the main part of the street scene from Pooles Lane.

Electronic Attachments:

Img_2075	Front view of Halliards
Img_2076	Front view of Halliards, showing Elm Lodge alongside
Img_2077	East elevation of Elm Lodge (facing towards Halliards)
Img_2078	West elevation of No.1 Crouch Meadow, viewed from Halliards
Img_2080	Rear view of Halliards showing Elm Lodge alongside
Img_2081	Rear view of Halliards
Img_2082	Rear garden of Halliards, boundaries screened with mature foliage
Img_2083	Rear garden of Halliards, boundaries screened with mature foliage
Img_2084	Side boundary of Halliards with No.2 Crouch Meadow

Enclosure to follow by post:

Appendix 1	Annotated architect's drawing detailing site lines
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