

WEEKLY LISTAPP. NO **10/00403/FUL**

CASE OFFICER	TEAM LEADER	HOPS/P M	COND. COLOURING		COND. MONITORING	Comino CHECKED	POSTED
			COND. NO	PLAN NO.			
KS 2.8.10		JAW 4.8.10				2.8.10	

Proposal: Demolish Existing Semi-Detached Bungalow and Construct Detached Three Bedroomed Bungalow with Integral Garage

Site Location: 4 Hooley Drive Rayleigh Essex

Legal Agreement: NO

Plan Numbers/Letters/Supporting Statements

Zoning:
Parish Council - Rawreth Parish Council

Officer Report:

Planning permission is sought to demolish existing semi detached bungalow and construct detached three bed roomed bungalow with integral garage.

This application follows four previous applications of which application 05//0567/FUL and 08/00867/FUL were refused and application 06/00403/FUL was granted planning permission (this application is now extant). The most recent application 10/00004/FUL was refused. The 2005 application moved the dwelling centrally and forward within the plot. This was considered contrary to the Green Belt Policy GB8 of the previous Local Plan. The 2006 application kept the dwelling almost in the line within the front building line of no. 3 and separated the dwellings only slightly. This application was approved. The 2008 application proposed to again move the dwelling within the site so the rear building line of no. 4 was in line with the front building line of no. 3. Application 10/00003/FUL proposed to separate no. 3 and 4 and move the dwelling much further forward within its plot. The application was refused on this basis and also as the proposal was contrary to part i) of policy R6 of the Local Plan. An LDC application was granted under reference 09/00464/LDC for single storey side and rear extensions to the dwelling.

The dwelling is located within an area designated as Metropolitan Green Belt. Hooley Drive is an unmade road, accessed via Rawreth Lane. The dwelling is located remotely from the main residential area of Rayleigh. Hooley Drive is of significant low density, with dwellings particularly sparse and spread sporadically. There is no uniform character in design or type of dwellings within the street scene.

No. 4 Hooley Drive is currently a semi detached dwelling, constructed in cream timber weather boarding. The dwelling is sited on a large plot, within the majority of the land being to the front of the dwelling. Immediately behind the dwelling is a large pond and a red brick building, which appears to be a residential building. The dwelling is in poor condition, however the dwelling is habitable.

As far as can be determined there is no traceable planning history for this property, therefore it cannot be determined when the dwelling was first constructed. Plotting sheets do indicate that the dwelling was present in 1947 and resembles the same footprint as what exists today. It is therefore reasonable to consider that the property has not been extended since 1947. The large pond located behind the property is also evident on the 1947 map.

Measuring from the submitted plans the existing dwelling has a habitable floor area of 64.39m².

Policy R6 of the Local Plan details that the replacement or rebuild of existing dwellings in the Green Belt will be permitted taking in to account particular criteria. Part i) of policy R6 specifies that the replacement dwelling can be no greater than:

- a) 35m² in floor area above the size of the habitable floor space of the original dwelling
- b) The size of the original dwelling together with the maximum permitted development allowance provided for by Schedule 2, Part 1 Class A of the Town and Country Planning General Permitted Development Order 1995, or
- c) the size of the habitable floor space of the dwelling lawfully existing at the time of the application.

As stated above the original dwelling has a floor area of 64.39m². To be in accordance with part a) the replacement dwelling could not have a floor area greater than 99.39m². The floor area proposed equates to 98.24m² and as such complies with part i) a) of policy R6. The proposal incorporates an integral garage which has a floor area of 19.5m². As this is non habitable floor space it is not counted within the additional habitable floor area allowance as specified within policy R6.

The resultant design of the dwelling is not dissimilar from the existing, presenting a pitched roofed design, although extended over a greater width. The depth of the proposed property is only slightly greater by 0.15m. The ridge height of the proposed dwelling is 0.10m lower than the existing. The resultant dwelling is slightly greater in footprint, although this is considered acceptable as the additional floor area is in compliance with that considered reasonable within policy R6. It is not felt that the resultant dwelling results in a material increase in visual mass such that the character and openness of the Green Belt would be detrimentally harmed.

Planning Policy Guidance 2 (PPG2), the presiding policy in determining this application, specifies that the replacement of dwelling within the Green Belt is appropriate, provided that the replacement dwelling is not materially larger than the dwelling it replaces. It is considered in this case that the replacement dwelling is not materially larger and as such complies with PPG2.

It may be possible to provide habitable accommodation within the roof, albeit this would be limited in size and head height. However with the incorporation of a dormer as permitted development, further habitable accommodation is likely to be achievable within the roof space. It would also be possible to significantly extend the dwelling to the ground floor without planning permission. As the resultant dwelling will have used its 35m² additional floor area allowance which is considered to be a reasonable increase in the size of Green Belt dwellings, it is considered reasonable to remove permitted development rights for all extensions to the dwelling, including development within the roof, as to protect the openness and appearance of the Green Belt.

As discussed above the 2005 application proposed to relocate the dwelling further forward within its plot, this was considered contrary to policy whereby the replacement dwelling is expected to be sited in the same location, unless an alternative siting is perceived to be more appropriate in green belt or amenity terms. The 2006 application moved the dwelling very slightly and was considered satisfactory. The reason for refusal on the 2008 application stated that the relocation of the dwelling much further forward within its plot was considered to result in a substantial change in the appearance and character of the plot whilst also affecting the character of this part of the Metropolitan Green Belt. Furthermore the relocation of this dwelling was considered to impact detrimentally and unreasonably upon the amenities of the occupiers of no. 3 Hooley Drive. Application 10/00003/FUL was also refused as it was considered that the repositioning of the dwelling much further forward within its plot is considered to result in a substantial change in the appearance and character of the plot whilst also affecting the character and visual amenity of this part of the Metropolitan Green Belt.

This application proposes to detached the dwelling from no. 3 and move the dwelling 2.5m from the shared boundary to the east and also move the dwelling 2.5m forward of its current positioning. This repositioning would result in the dwelling being sited in almost the same location as was considered acceptable under the 2006 approved application. It is considered that the revised siting will not unduly harm the appearance of the Green Belt and will have minimal impact upon the amenities of the occupiers of no. 3 Hooley Drive.

The bat survey submitted with the application identifies the presence of bats within the roof of the property. The report states that the applicant is happy to make provision for bats in the new building and would be prepared to replicate the roosting situation at the gable end of the new property. If the new property were to be constructed prior to the demolition of the existing building this would guarantee continuity of roosting opportunities for bats at the site. The provision of bat boxes is also proposed. It is considered satisfactory to place a condition to any grant of consent that would protect the bats during development. The submitted bat survey was now undertaken over two years ago, furthermore it is not possible for the proposed dwelling to be constructed before the demolition of the existing. It is suggested that in order to protect the bats during development a revised bat survey is submitted and agreed by the local authority and that mitigation measures are clearly indicated. Consultation with Natural England has established that it is likely that a license will be required before any work is carried out.

Representations:

Essex County Highways: No objection.

Rawreth Parish Council: Question what is Rochfords policy on creating two detached properties from one semi detached property? Council have no objection as such but consistency must be upheld. It has always been the Council concern that approved application will set a precedent for the Rayleigh Park Estate as no overall plan exists. Without such a plan development will continue to erode in to the estate and the greenbelt with no overall control or contribution to the housing need of Rohford District. If agreed these applications should contribute rather than productive agricultural land being used.

Woodlands (trees): There are three Oak trees that could be at risk from construction pressures. Although the site is out of the way and not in prominent public view, these trees contribute to the tree cover of the area.

Condition:

Provide details in accordance with BS5837:2005 as to arboricultural protection measures for trees to be retained on and off site prior to works starting on site.

Natural England - The bat report is lacking detail in places, for example in not describing the timings of the survey, but overall it is adequate and the mitigation proposed is positive. We are pleased the applicant proposes to make provision for the bats in the new building (although I believe the applicant will still have to apply for a bat licence).

Environment Agency: The application proposes to dispose of foul sewage using a cesspit. A private means of foul effluent disposal is acceptable in this instance because there is no public sewer available.

Notwithstanding the above, we do not accept the promotion or proliferation of cesspools, instead of connection to a public sewer or alternative private sewerage options such as septic tanks or package plants, as a viable long-term sewerage option in anything other than exceptional circumstances. The grounds for this are pollution prevention, environmental protection and sustainability. In our view, environmental, amenity and public health problems can potentially arise from the inadequate operation and maintenance of cesspools.

One letter has been received in response to the neighbour notification which makes the following comments:

- No objections

Policies:

Rochford District Replacement Local Plan (2006)
HP6 R6

Supplementary Planning Document 2 (Housing Design)
Supplementary Planning Document 5 (Vehicle Parking Standards)

Conclusions:

Approve

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence, before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- 3 No development shall commence before the existing dwelling on the site has been demolished and all materials resulting therefrom have been completely removed from the site.

REASON: In order to secure an orderly development, in the interests of amenity.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any order revoking or re enacting that Order, with or without modification) no extensions shall be erected on any elevations of the dwelling hereby permitted.

Reason: To enable the Local Planning Authority to retain adequate control over such extensions in the interests of protecting the open character of the Metropolitan Green Belt.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 1995 (including any order revoking or re enacting that Order, with or without modification) no dormer windows, roof lights other means of opening or extensions shall be inserted or erected within the roof.

Reason: The Local Planning Authorities policies specify the maximum reasonable increase in habitable accommodation in the Green Belt. Conversion of the roof space in this case would result in this policy limit being exceeded.

- 6 The garage shall be used solely for the parking for the parking of vehicles and shall not be used for habitable floorspace or any other purpose.

Reason: To allow the Local Planning Authority to retain adequate control over the use of the garage in the interests of protecting the Green Belt.

- 7 Prior to the commencement of the development hereby approved a revised bat survey shall be submitted and approved by the Local Planning Authority. The bat survey shall identify mitigation measures to ensure the protection of bats during the demolition and construction of the development hereby permitted. Once agreed the mitigation methods proposed shall be those implemented unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the protection of bats during the construction process.

- 8 The roof space/void of the dwelling hereby approved shall not be used for habitable accommodation.

REASON: The Local Planning Authorities policies specify the maximum reasonable increase in habitable accommodation in the Green Belt. Conversion of the roof space in this case would result in this policy limit being exceeded.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Informatives:

- 1 The applicant should be made aware that any departure from the approved plan is likely to result in the development being unauthorised with the requirement for a further application to be submitted, which will be dealt with on a "without prejudice" basis. Early contact with the planning department where a change is contemplated is strongly advised although even minor changes are likely to require a new application.
- 2 Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The Local Planning Authority should be given prior notification of any proposed remediation scheme.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

- 3 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager South, no.1 Endeavour Drive, Festival Business Park, Basildon, Essex SS14 3WF.