

Appeal Decision

Site visit made on 6 December 2016

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2016

Appeal Ref: APP/M1520/D/16/3159417

1a Zelham Drive, CANVEY ISLAND, Essex, SS8 7QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Karl Sutton against the decision of Castle Point Borough Council.
 - The application Ref. 16/0394/FUL was refused by notice dated 18 July 2016.
 - The development proposed is single storey rear extension with internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the dwelling and surrounding area; (2) the provision of amenity space to serve the occupants of the dwelling; and (3) the living conditions of occupants of 3a Zelham Drive, with particular reference to outlook.

Procedural Matters

3. The reasons for refusal include reference to Policy H17 of the Castle Point Borough Council Local Plan 1998 (LP). That policy requires regard to be had to appendices 4 and 12 of the Local Plan, but both have since been superseded. Of relevance to this appeal, appendix 4 has been replaced by the Castle Point Residential Design Guidance (RDG), which was adopted as a Supplementary Planning Document (SPD) with effect from 1 January 2013. I have determined the appeal accordingly.
4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Reasons

Character and Appearance

5. The appeal property is a modest single storey dwelling located in a residential area containing dwellings which vary in size and design. Rear garden sizes are
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generally modest, with reasonably close back-to-back distances between dwellings.

6. The size and scale of the appeal property is proportionate to its plot size. Whilst I note the appellant's aim to match the roof line and materials of the existing dwelling, the proposed addition that would appear disproportionate to the original dwelling and the plot size. The scale of the resultant dwelling would be excessive for the remaining garden area, and the site would appear unduly cramped and overdeveloped. This would be in conflict with the aims of LP Policy EC2, which seeks to secure high standards of design, and amongst other criteria, requires the scale, density and design of a development to be appropriate to its setting not harmful to the character of its surroundings. This is supported by the SPD guidance point RDG7, which requires an extended roof to be proportionate to the remainder of the dwelling.
7. The appellant advises that the dwellings on both sides and beyond have been extended, but no details have been provided of those developments and the relevant permissions. However, when viewed on the ground it is not evident that these additions are of comparable size to the appeal proposal, or have involved a similar ratio of plot development.
8. I conclude that the proposal would be disproportionate and out of scale with the host dwelling, and in so doing would harm the character and appearance of the appeal property and the character of the area, contrary to the design aims set out in the National Planning Policy Framework (the Framework), LP Policies EC2 and H17, and SPD guidance RDG7.

Provision of Amenity Space

9. The appellant advises that the current garden is of little use due to potential overlooking from, and a close relationship with, two-storey dwellings to the rear. However, the houses to the rear of the appeal property are not obviously closer than found generally in this built up residential area. Moreover, they appear to have high level and/or obscure glazed windows, and on the basis of the information available in this appeal I am not convinced that unacceptable overlooking arises that renders the garden unusable. Moreover, gardens perform many functions in addition to sitting out space, such as areas for play, storage and clothes drying. Whilst I note the intention to provide folding doors to the extension, this would not compensate for the loss of garden space.
10. The appellant advises that the loss of amenity space would be in the region of 12 – 15m². This is a significant reduction in the context of the existing garden size, and would result in a much smaller garden than the prevailing size in the vicinity. It would be significantly below the 50m² amenity space recommended in RDG6 of the SPD (and further still below the 75m² calculated by the Council). Whilst this is guidance only, this would be a significant shortfall, and would not be compensated by the availability of public open space within walking distance, as suggested by the appellant.
11. I therefore conclude that there would be insufficient amenity space provision to meet the needs of current and future occupants of the dwelling, to the detriment of their living conditions, contrary to the aims of LP Policies EC2, H17 and SPD RDG6.

Living Conditions – Outlook

12. The proposed extension would project beyond the rear of 3a Zelham Road. However, taking into account the position of habitable room windows to that property, the intervening garage to No.3a, the pedestrian side passages of Nos 1a and 3a, and the sloping roof of the extension, I do not find that the proposal would be unacceptably dominant to the outlook for occupants of the neighbouring property. Whilst there would be some increased sense of enclosure, the development would not be at such close quarters to cause material harm.
13. I therefore conclude that the proposal would not conflict with the aims of LP Policy EC2 in this regard, nor RDG3 of the SPD, which seeks to resist development that would result in excessive overshadowing or dominance to adjoining properties. However. This does not alter my conclusions on the other main issues.

Conclusion

14. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, but for the reasons given above the proposal would not comply with this principle. It would not therefore be sustainable development supported through the Framework, and as a consequence I conclude that this appeal should be dismissed.

H Lock

INSPECTOR