
Appeal Decision

Site visit made on 13 December 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 22 December 2016

Appeal Ref: APP/M1520/W/16/3153680

Forest House, Catherine Road, South Benfleet, Benfleet SS7 1AR

- 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 Eric Jakob against the decision of Castle Point Borough Council.
 - The application Ref 16/0216/FUL, dated 18 March 2016, was refused by notice dated 8 June 2016.
 - The development proposed is second floor extension to create a new three bedroom apartment with the inclusion of a rear access staircase and external access stair. Replacement roof to single storey lean to and new detailing to existing fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although not cited in the Council's reasons for refusal, the Council refers to inappropriate development in the Green Belt in its statement. Accordingly, I have considered the effect of the development in the context of the National Planning Policy Framework in my reasoning below.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the living conditions of future occupiers with particular regard to access, and of neighbouring occupiers with particular regard to overlooking; and
 - whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.
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Reasons

Inappropriate development in the Green Belt

4. Forest House is a two storey building with a dual pitched roof, gable end to the road and which is split into four self-contained flats. Catherine Road is an unmade track and Forest House is sited on its western side, some 70 metres from London Road. On the eastern side of Catherine Road, most of the dwellings are modest in scale and many have a chalet bungalow form. The area has a semi-rural character due to the unmade road and the woodland area that extends to the road edge to the south of Forest House. However, to the north of Forest House there is a large flatted development under construction between it and London Road.
5. The proposed development comprises the addition of an additional floor of accommodation to Forest House facilitated by the replacement of the dual pitched roof with a flat-roofed upstand, a two-storey rear extension housing an internal staircase and an external staircase giving access to the rear of the first floor.
6. The statement of case notes that Forest House is an isolated property within dense woodland. However, I noted on my visit that the land to the immediate south of the appeal site appears to have had significant tree clearances carried out recently and as a result, Forest House is less well screened than was previously the case, and it is prominent in views from the south.
7. Although not mentioned in the appellant's statement, the Council's evidence indicates that the site lies within the Metropolitan Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the Framework advises that new buildings in the Green Belt are inappropriate development unless they fall within the given exceptions. One of these exceptions is the extension or alteration of a building provided it would not result in disproportionate additions over and above the size of the original building.
8. The overall height of Forest House would be increased by 200mm, and although the proposed roof form would add bulk to the building above eaves height, it would be set back from the eaves on all sides. In addition, the two-storey extension to the rear would be built above an existing lean-to projection and would not extend beyond the existing building's footprint. As such, I do not consider the proposals would represent a disproportionate addition to the original building, and therefore the proposals would not be inappropriate development in the Green Belt.

Openness

9. Under Paragraph 89 of the Framework the effect of development on openness is implicitly taken into account in the exception outlined above. As such, I have not considered it further in my reasoning.

Character and appearance

10. The flatted development under construction next to Forest House has hipped roof forms with dormer windows and projecting gables. The building pattern opposite Forest House is largely characterised by dwellings with hipped roofs

and dormer windows which reflect the more modest scale of the existing development pattern in the area. By contrast, the proposed flat roofed projection would be more bulky, modern and urban in its styling. Consequently, the development would appear almost commercial in style and overly large in scale, compared to the underlying domestic and semi-rural character of the immediate area.

11. The proposals also include some boxed windows in a somewhat random arrangement on all four elevations, as well as recessed panels painted in pastel blue. I appreciate the appellant's aim to give the building a contemporary appearance, but the evidence before me indicates that the inconsistency of glazing bars on existing windows would remain. This would detract from the minimalist styling as well as the repeating pattern of detailing on the proposed second storey. In addition, on the basis of the evidence before me I am not satisfied that the introduction of such detailing would be appropriate in this semi-rural setting.
12. The unenclosed external staircase would also have the appearance of a fire escape reflective of older flatted development in a city centre, and notwithstanding that it would be only partially visible from the road, would appear out of character in this setting.
13. In the light of the above, I conclude that the development would detract from the character and appearance of the area. As such, the development would be contrary to Policy EC2 of the Local Plan¹ (LP) which requires development to be appropriate to its setting and not harm the character of its surroundings. It would also be contrary to Paragraph 17 of the Framework which expects development to seek high quality design for all existing and future occupants of land and buildings.

Living conditions

14. The future occupiers of the second floor flat would gain access to first floor level from an open external staircase. There would then be an internal stair up to the second floor. I concur with the Council that this would be an inappropriate access route for future occupiers, particularly in bad weather, and especially as it is suggested that the flat would be suitable for families. It would also be inconsistent with the appellant's stated aim of giving the building an architectural uplift; open external staircases of this nature are not commonly found as the primary access for modern flatted development.
15. The Council has also raised a concern in relation to the overlooking of existing occupiers of the ground floor flats from residents walking past windows, and ascending the rear external staircase. Whilst not necessarily sufficient on its own to warrant dismissal of the appeal, I acknowledge that there would be some potential for loss of privacy from overlooking and this is reflective of the unsatisfactory nature of the second floor flat's access. The development would therefore present some conflict with the supporting text of Policy RDG5 of the Residential Design Guide (RDG) which states that where ground floor windows are in close proximity to areas of shared space, privacy can be protected by private yards and gardens, or by raising internal floor levels. There is nothing in the evidence before me to indicate that such measures have been considered in this instance, and there would be some loss of privacy for

¹ Castle Point Borough Council, adopted October 1998

existing occupiers of Forest House which would be detrimental to their living conditions.

16. In the light of the above, I consider the access arrangements for future occupiers of the second floor flat would be unsatisfactory. This would be contrary to LP Policy EC2 which requires a high standard of design and the need to ensure all modes of movement are made safe and convenient. It would also fail to meet the provisions of Paragraphs 56, 57, 58 and 59 of the Framework, which taken together, also require development to be of good design and to create safe and accessible environments. To a lesser extent, the development would fail to comply with Paragraph 17 of the Framework which requires development to ensure a good standard of amenity for existing and future occupiers of land and buildings.
17. The Council states in its reasons for refusal that windows to bedrooms on the north and south elevations of the development would result in occupiers of neighbouring dwellings having a loss of privacy from overlooking. However, the southern boundary of the site is open ground. To the north, the distance between the development and the adjoining flatted development under construction is some 19 metres. This is more than the recommended 15 metres distance given in RDG Policy RDG5 to mitigate overlooking from second floor windows. Consequently, I find no conflict with the RDG or the Framework in this regard.

Other matters

18. I appreciate that the officer's report recommended approval of the development and that the application was refused by the Committee. However, Members are entitled to disagree with officers and in this instance I agree with the Committee's views. The appellant states that the streaming of the meeting indicates that the Committee failed to provide a valid reason for refusal. Nonetheless, a decision notice with reasons for refusal was issued.

Other considerations

19. As I have found that the proposals would not be inappropriate development in the Green Belt, it is not necessary for me to consider the very special circumstances that might justify harm caused to the Green Belt.

Conclusion

19. The proposal is not inappropriate development in the Green Belt. However, I have found harm in relation to character and appearance, and the living conditions of future occupiers. This harm would outweigh the limited benefits arising from the addition of one unit of accommodation and increased thermal efficiency for the building as a whole.
20. For these reasons and taking all matters into account, I conclude that the development would not comply with the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR