

Appeal Decision

Site visit made on 4 January 2017

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/M1520/D/16/3161585

73 Thorney Bay Road, CANVEY ISLAND, Essex, SS8 0HG

- 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 Ian Saunders against the decision of Castle Point Borough Council.
 - The application Ref. 16/0461/FUL was refused by notice dated 16 August 2016.
 - The development proposed is garage extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form 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.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal site and the street scene; and (2) the living conditions of occupants of 75 Thorney Bay Road (No.75), with particular reference to outlook and access to light.

Reasons

Character and Appearance

4. Thorney Bay Road comprises a mixed streetscene but the appeal site is within a distinctive stretch of properties which share many characteristics in terms of design and materials. In particular, the housing group includes a range of repeated house types, but with recessed garages being a notable feature of them all. The garages occupy gaps between houses, but as they are set back on their plots they create a sense of space between buildings, albeit occupied by parked vehicles. Contrary to the appellant's assessment, there is a visible and strong pattern of development, and these regular gaps contribute to the character and appearance of the streetscene.
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5. Having established that these gaps create a strong pattern, Policy RDG2 of the Council's 'Residential Design Guide' Supplementary Planning Document 2013 (SPD), in support of Policy EC2 of the Castle Point Borough Local Plan 1998 (LP), advises that where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. Moreover, even in cases where there is no clear pattern, the SPD advises that space around a dwelling should be proportionate to the size of the dwelling, with at least 1m between properties and the boundary.
6. The existing garage has limited visual impact on the streetscene, as in wider views from Thorney Bay Road it is screened by the appeal property and the adjacent house, No.75. The proposed extension would materially increase the dominance of this element in relation to the main house and the streetscene, with the effect that much of the gap between Nos. 73 and 75 Thorney Bay Road would be infilled. Although the proposed extension would be no higher than the existing garage, the proposed recess behind the main front wall of the house would be modest, resulting in a cramped and unduly dominant addition. Overall, an addition of the size and siting proposed would disrupt the established and strong pattern of development in this part of Thorney Bay Road. The use of matching materials to harmonise with the existing building would not mitigate the increased bulk.
7. The appellant has drawn attention to a number of other developments in the vicinity, advising that they have similar, or more adverse, impacts compared to the appeal proposal. However, none appear to be directly comparable in terms of context or detail. In addition, there is limited information provided of the justification for or circumstances of their construction, and the planning policies against which such proposals were assessed. As such, these offer limited support to the proposal, and I do not find that they demonstrate inconsistency in decision-making as suggested by the appellant.
8. I therefore conclude that the proposal would adversely affect the character and appearance of the appeal site and the street scene, contrary to the aims of LP Policy EC2, which seeks high standards of design in matters including the scale, siting, design and layout of development, and which should be appropriate to its setting and not harmful to the character of its surroundings. As outlined above, it would also conflict with RDG2 of the SPD.

Living Conditions

9. The existing garage at the appeal site is built next to a pedestrian access way at 75 Thorney Bay Road. No.75 has windows and a door facing onto this access, but their positions on the building mean that the effect of the garage at No.73 is minimised. The letter of representation submitted in response to the planning application from occupants of No.75 confirm that these openings serve a secondary window to a kitchen, and non-habitable utility room, wc, and bathroom at first floor.
10. I do not consider the effect on the non-habitable rooms to be unduly harmful. Given the height and proximity of the proposed addition to the shared boundary, it would create a more dominant feature and would increase the sense of enclosure. However, whilst the outlook from these openings would

inevitably alter as a result of the proposal, given the nature of the rooms I do not find that the effect would be so oppressive that the living conditions for occupants of 75 Thorney Bay Road would be materially harmed. Based on the submissions, I note that the side-facing window would not be the sole source of outlook and light to the kitchen of the property¹.

11. Given the orientation and the existing distances between buildings, on the basis of the evidence in this appeal, I am not convinced that significant light loss to habitable rooms of No.75 would result from the extension. I have had regard to an appeal decision determined at 75 Thorney Bay Road in 2000², but in the absence of details of that proposal I cannot gauge a comparison with the appeal scheme.

12. I conclude that the proposal would not diminish the outlook and access to light for occupants of 75 Thorney Bay Road to a degree that their living conditions would be harmed, and would accord with the aims of LP Policy EC2 and RDG3 of the SPD, which seeks to resist development that would result in excessive overshadowing or dominance of adjoining property.

Conclusion

13. 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, but for the reasons given above the development would not comply with this principle and would not be sustainable development supported through the Framework. As a consequence, I conclude that the appeal should be dismissed.

H Lock

INSPECTOR

¹ Reference is made in the letter from 75 Thorney Bay Road to "the one window on the side aspect of our kitchen".

² Appeal reference T/APP/M1520/A/99/1032354/P8
