

## Appeal Decision

Site visit made on 24 January 2017

**by J Dowling BA(Hons) MPhil MRTPI**

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

**Decision date: 30 January 2017**

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**Appeal Ref: APP/M1520/W/16/3159692**

**land adjacent to 301 The Chase, Thundersley SS7 3DN**

- 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 D Phillips against the decision of Castle Point Borough Council.
  - The application Ref 16/0552/FUL, dated 20 July 2016, was refused by notice dated 19 September 2016.
  - The development proposed is one 3 bed single storey eco/passive house with associated car parking and amenity.
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### Decision

1. This appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area.

### Reasons

3. The appeal site consists of an irregular plot located on the junction of The Chase and Swale Road. The site is currently overgrown including a number of mature trees. The proposal is for a substantial house of a contemporary design. It is clear from the evidence that the proposal has been the result of a detailed design process and has been carefully designed to incorporate eco/passive house features including a living wall, green roof, solar panels and a foundation and layout design that would enable the retention of on-site trees.
  4. The Council consider that the proposal would comply with the relevant residential standards and has been designed in such a way that the living conditions of neighbouring properties would not be adversely affected and I have no reason to disagree with this position.
  5. Whilst the use of green roofs, a palette of natural material including a living wall and sensitive landscaping have attempted to minimise the impact of the proposal I consider that the use of a single storey design would result in a building of a considerable footprint, bulk and mass. This combined with the proposed hard landscaping would require an extensive proportion of the plot to be developed.
  6. Due to the length of the return frontage along Swale Road and the proximity of the building to this site boundary the proposed side elevation would be visually prominent. Even with the proposed boundary planting, I consider that the
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sizeable floor to ceiling windows combined with the length of the elevation and the flat roofed design would be visually incongruous and would appear as a dominant feature in the streetscene that neither reflects nor respects the established character and appearance of the surrounding area.

7. I observed at my site visit that the Chase is a long road and whilst it consists of a variety of different house designs and dwelling types, including some single storey buildings, the character and appearance of this part of The Chase is two storey houses with pitched roofs of a traditional appearance. None of the properties I saw had flat roofs and where flat roofs were visible these were on subordinate structures such as garages and rear extensions. Whilst the juxtaposing of traditional and modern design is not, in principle, unacceptable in this case due to the exposed nature of the site, the majority of the bulk and mass of the building would be highly visible which due to its design would appear out of character with the wider area.
8. Whilst the National Planning Policy Framework (the Framework)<sup>1</sup> advocates that planning should not impose architectural styles, stifle innovation, originality and initiative and planning permission should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape<sup>2</sup>. It also requires that development should secure high quality design, respond to local character, reflect the identity of local surroundings and materials and add to the overall quality of an area<sup>3</sup> and in the case of a building with high levels of sustainability mitigate any impact through good design<sup>4</sup>.
9. Modernist architecture in itself is not innovative. Whilst there is much to commend the design including the use of an elevated floor to enable the retention of trees I consider that the proposal would be visually prominent and appear out of character. Furthermore, while a number of sustainability measures are proposed they are either fairly standard for a house of this type (green roofs, solar panels, living walls) or necessary in order to enable the development (elevated floor to enable retention of trees) as a result I do not consider not them to be particularly innovative. When balanced against the harm to the character and appearance of the surrounding area I consider that the exceptions set out by the Framework would not apply.
10. In their reason for refusal the Council have referred to RDG2 (space around buildings) and RDG3 (buildings lines) of the Castle Point Borough Council Residential Design Guidance Supplementary Planning Document (2013) (the SPD). However, whilst I agree with the appellant that the proposed building may comply with these standards, compliance with standards does not address the concerns raised regarding the design, bulk and mass and the effect that this would have on the character and appearance of the area.
11. Having come to the conclusions above, it follows that the proposal would be contrary to Policy EC2 of the Castle Point Borough Council Local Plan(1998) which advocates that new buildings should be of a high standard of design and that amongst other things the scale, siting, design and external materials should not harm the character of the developments surroundings. The purpose

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<sup>1</sup> Paragraph 60 of the Framework (2012)

<sup>2</sup> Paragraph 65 of the Framework (2012)

<sup>3</sup> Paragraphs 17 and 58 of the Framework (2012)

<sup>4</sup> Paragraph 65 of the Framework (2012)

of this policy is consistent with the Framework which advocates that development of poor design which fails to take the opportunities available to improve for improving the character and quality of an area should be refused. Finally, as the proposal would be contrary to the adopted development plan the presumption in favour of sustainable development advocated by the appellant does not apply.

### **Conclusion**

12. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

*Jo Dowling*

INSPECTOR