

Appeal Decision

Site visit made on 28 February 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 13th March 2017

Appeal Ref: APP/M1520/D/16/3165453
73 Thorney Bay Road, Canvey Island 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 16/0672/FUL, dated 23 June 2016, was refused by notice dated 24 October 2016.
 - The development proposed is garage extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant refers to a separate appeal for a similar form of development that had not been decided at the time the current appeal was made. I note, however, that a decision on this earlier appeal has now been issued¹. Given the relevance of the decision to the current proposal, I have had regard to it and refer to it where appropriate.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and street scene.

Reasons

4. Thorney Bay Road is a residential road of mixed property types. The appeal property is one of a group of detached two-storey dwellings, Nos 71 to 81, of similar scale, character and appearance. A consistent design feature across all these properties is the double garage to the side, which is set back to the same degree in each case from the front building line of the host dwelling. I agree in this regard with the Inspector in the earlier appeal that this set back of the garages creates a sense of space between buildings, and a visible and strong pattern of development, thereby contributing to the character and appearance of the street scene.

¹ APP/M1520/D/16/3161585 dated 17 January 2017.

5. Policy EC2 of the Castle Point Borough Local Plan 1998 requires a high standard of design in relation to new buildings and extensions, including that the siting, design and layout should be appropriate to its setting and not harm the character of its surroundings. In support of this, detailed guidance is provided in the Council's *Residential Design Guidance*. Policy RDG2 indicates 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. Policy RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces. These policies are broadly consistent with the National Planning Policy Framework, particularly section seven concerning good design.
6. The existing layout of garages along this side of Thorney Bay Road, set back from the main building line of the dwellings, means that they are not a highly visible feature. The spaces created by this set back provide a consistent series of gaps along the street frontage, which are a prominent feature. Despite the retention of sufficient parking space, the forward extension of the garage would largely infill the existing space to the side of the appeal property and would make the garage much more prominent in the street scene. Furthermore, it would bring development forward of the existing consistent building line for garage frontages across the group of neighbouring dwellings.
7. Consequently, due to its position and prominence the extension would be an uncharacteristic and incongruous addition to the host dwelling and street scene. As such, it would disrupt the overall pattern of development, contrary to the policy and guidance referred to above. The use of matching materials to the host dwelling and existing garage would not overcome this harm. I acknowledge that the garage extension has been redesigned from previous proposals with regard to the degree of inset from the boundary and roof form. However, given that it is the position and prominence of the extended garage that leads to the harm to the street scene, these changes are insufficient to overcome the harmful effect that has been found.
8. I accept that there are different property types on the opposite side of the road that were built after the appeal property and its neighbouring dwellings. However, Nos 71 to 81 form a unified group within the street scene, with the common design features described. As such, the existence of other property types outside this group does not have a direct bearing on the findings in this appeal. Similarly, changes over time with regard to traffic levels, including bus routes along the road, are not of direct relevance to the findings in this appeal. While a number of street trees and other vegetation exists close to the appeal property, these would not screen views of the extended garage to the extent that the harmful effects described would be mitigated.
9. The appellant draws attention to a number of developments in the surrounding area, contending that they have similar or more significant effects to the current proposal, and that they reflect inconsistency in decision-making. I agree, however, with the Inspector in the earlier appeal for a garage extension that I have little information about the basis for any of the decisions to permit these other developments, including the individual circumstances and the policies in effect at the time. Moreover, I have considered this proposal on its individual merits in the specific context of this part of Thorney Bay Road, which is a different setting to the other examples referred to. For these reasons,

these other examples cannot be seen as a direct precedent for the current proposal and I cannot conclude that they demonstrate inconsistency in decision-making.

10. Therefore, for all the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the host dwelling and street scene. Consequently, it is contrary to the policies outlined in paragraph five above.

Other Matters

11. I have had full regard to the concerns raised by the occupiers of No 75 Thorney Bay Road about the effect of the proposal on their living conditions and other matters. The side elevation of this neighbouring property includes a number of windows and a door that would face the side of the extended garage. In the earlier appeal the Inspector found that while there would be some effect on the outlook from these openings due to the extension, there would be no material harm. Similar findings were made with regard to the effect on available light to the windows and door of these non-habitable rooms.
12. I note that the gap between the properties would be 700mm wider than that in the earlier proposal determined on appeal, and that the hipped roof would be angled away from No 75. These different layout and design features would further reduce the scope for any harmful effects and, therefore, on the basis of the earlier findings and my own consideration, I conclude that there would be no unacceptably harmful effect on the neighbouring occupiers' living conditions. Like the Inspector in the earlier appeal, in the absence of details of the proposal determined on appeal in 2000 for development at No 75, I cannot make a direct comparison with the current proposal.
13. While the extension would enclose No 75's side elevation to a greater degree than at present, the effect on security would not change to the extent that this would result in material harm. The relationship between properties would not be unusual in the context of security matters in a suburban setting such as is the case here.
14. I acknowledge that the appellant is frustrated by engagement with the Council, as reflected in the grounds of appeal. However, this does not have a direct bearing on the planning merits of this decision, which is based on all the appeal submissions and site inspection. Consequently, this matter does not lead me to reach a different overall conclusion.
15. Therefore, for the reasons given I conclude that that the appeal should not succeed.

J Bell-Williamson

INSPECTOR