



Appeal Decision

Site visit made on 9 July 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/M1520/W/19/3220691

Land adjacent to 42 Western Road, Hadleigh, Benfleet SS7 2TN

- 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 Herczl against the decision of Castle Point Borough Council.
 - The application Ref 18/0921/FUL, dated 23 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is erection of dwelling house with integral garage, living space in the loft including rear dormer and front roof lights, refuse storage and new crossover (revised application following approval 18/0303/FUL).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Stuart M Findlay against Castle Point Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers of dwellings on Wyburn Road to the rear with particular regard to outlook; and
 - the effect of the living accommodation on the living conditions of occupants of the proposed dwelling.

Reasons

Living conditions of neighbouring occupiers

4. The appeal site comprises an area to the rear of 8 and 12 Wyburn Road with access from Western Road adjacent to an electricity substation. Planning permission has been granted for a two storey dwelling on the site, with a modest rear garden of limited depth. The proposed dwelling would have the same appearance as that previous approval, although would have a slightly higher ridge and a large dormer window on the rear roof slope.
5. The proposed dormer window would take up most of the roof slope of the main part of the dwelling. It would dominate the taller roof and, given its location on

the roof, the rear elevation of the proposed dwelling. With a flat roof and blank walls to either side of the wide window, it would appear as a box on the top of the dwelling. As a result, it would be an incongruous and unattractive addition to the proposed dwelling that would dominate the gardens immediately to the side and rear, particularly 12 and 18 Wyburn Road.

6. I note that other dwellings in the surrounding area have similar dormer windows. However, the proposed dwelling would be unusually close to neighbouring properties such that the dormer would be significantly more visible from those properties and the effect of the proposed development would be more acute.
7. For these reasons, I conclude that the rear dormer window of the proposed dwelling would harm the living conditions of occupiers of dwellings on Wyburn Road with particular regard to outlook. As such, it would be contrary to Policy EC2 of the Castle Point Borough Council Local Plan (LP), Residential Design Guidance (RDG) and the National Planning Policy Framework (the Framework) that seek a high standard of design, including that the design of development should be appropriate to its setting.

Living conditions of prospective occupiers

8. The proposed development would comprise a three bedroom dwelling with additional play room and storage space within the roofspace. On the ground floor would be a large living room and kitchen. The approved scheme had the same number of rooms, but with the living room divided into separate living and dining rooms and without the play room in the roofspace. Consequently, both proposals would have six habitable rooms.
9. Policy RDG6 of the RDG states that dwellings should be provided with 15m² of outside amenity space per habitable room. Both the approved and revised proposals would meet that standard. However, the proposed dwelling would be larger than that previously approved. The manner in which this policy requires calculation of the minimum amount of outside amenity space is one factor in considering whether the proposed dwelling would provide adequate space. In addition, I need to consider the proposed development against the individual circumstances of the case.
10. The proposed play room would be located within the roofspace and have a large, albeit obscure glazed, window to the rear and rooflights to the front. Given the size of the room, it is likely that it would be used as a bedroom by prospective occupiers. That would, effectively, result in a four bedroom dwelling whereas the approved development would be a three bedroom property. Such a substantial family dwelling would require a reasonable amount of outdoor amenity space to provide adequate living conditions for future occupiers.
11. The outside space to the rear would be used as private amenity space by occupiers of the proposed dwelling. There is narrow additional space to the sides as well as space to the front that is visible from the road. Given the size, shape and visibility of these areas, they would not contribute toward useable private amenity space for occupiers of the property.
12. I appreciate that some people may exercise consumer choice over outdoor amenity space. However, this is a matter addressed in the LP and in national

policy, and I consider it to be a requirement for a family house such as that proposed.

13. For these reasons, I conclude that the modest amount of outside space in this instance would not be sufficient to provide adequate living conditions for prospective occupants of the proposed dwelling. As such, it would be contrary to Policy EC2 of the LP, the RDG and the Framework that seek a high standard of design, including a high standard of living condition for future occupiers.

Other matters

14. The proposed dwelling has been designed with obscure glazed upper floor windows, such that they would not result in overlooking of neighbouring properties. As a result, the proposal would not harm the privacy of occupiers of those houses. Parking would be provided to the front of the property and in the proposed garage such that sufficient parking would be provided to meet the needs of future occupiers.

Conclusion

15. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised the appeal should be dismissed.

AJ Steen

INSPECTOR