
Appeal Decision

Site visit made on 30 July 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/M1520/D/19/3230610

1 Kale Road, Benfleet, Essex SS7 1HU

- 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 Samir Mosaid against the decision of Castle Point Borough Council.
 - The application Ref 19/0217/FUL, dated 27 March 2019, was refused by notice dated 28 May 2019.
 - The development is described as 'to build a shed in my garden. The shed is 297cm in height, 600cm in length and 300cm in width. As my garden is on uneven ground, the concrete base at the highest point is 58 cm which would mean at the extreme point of the building, the height would be 355cm. The shed is made of timber and has a significant slant on it to allow for rain to run off.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw from my site visit that a shed has been constructed at the appeal site. The shed reflects the plans that were considered by the Council at planning application stage and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

4. The appeal site accommodates a two-storey detached dwelling and is located on a prominent corner with Clarence Road North. The dwelling is at a higher level than the garden area due to the slope of the land. The property has a tall wooden fence which encloses the wrap around garden area. The garden also accommodates two other outbuildings which are smaller in size and scale.
5. The area is residential in character with the adjoining dwellings being both single and two storeys in height. The dwellings are set back from the street and have low-level boundary treatment with vegetation making the ground floor front elevations largely visible. This gives the street a pleasant open character.
6. The appeal proposal is in the front corner of the garden area. Whilst the development is at a lower level than the house it is clearly visible from the

street as it is taller than the existing fence. It is positioned discordantly within the front garden area and is development which is at odds with the prevailing building line. Whilst it is constructed from similar materials to the tall fence, I still find the development to be an unduly dominant feature which is incompatible with the character of the area.

7. For the reasons given above I consider that the appeal proposal is a large incongruous feature within the street scene and is at odds with the prevailing open character and appearance of the area. The proposal conflicts with Policy EC2 of the adopted Castle Point Borough Council Local Plan (1998) and Policy RDG3 of the Castle Point Borough Council Residential Design Guidance (2013). These policies together seek to ensure that development should be of a high standard of design and be informed by the prevailing building line.
8. I note that the appellant states that there is no prevailing character and that the proposals accord with Policy RDG2 and that it does not look out of place. I have found that there is a prevailing pattern of development in the area and I do not consider that the appeal development complements the area due to its dominance in the street scape. The appellant has drawn my attention to one of the outbuildings in the garden which is also visible from the street. The appellant states that this smaller outbuilding did not require planning permission by virtue of its lower height. The appellant also highlights that the appeal development will not lead to overshadowing or overlooking. None of the aforementioned matters outweigh or alter my conclusion relating to the harm that has been caused to the character and appearance of the area.

Conclusion

9. The appeal is dismissed.

Neil Smith

INSPECTOR