



Appeal Decision

Site visit made on 30 July 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/M1520/W/19/3228726

Land adjacent to No. 20, Hall Farm Road, Benfleet, Essex, SS7 5JD

- 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 M Smith against the decision of Castle Point Borough Council.
 - The application Ref: 19/0087/FUL dated 20 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is a proposed new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the planning application form is stated as 'Site side of No. 20 Hall Farm Road...', which is not fully reflective of the site location. Therefore, I have used the address from the Council's decision notice in the banner heading above.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area; and,
 - whether the development would provide acceptable living conditions for future occupants, with particular reference to external living space.

Reasons

Character and appearance

4. The appeal site is currently composed of a narrow strip (0.7m) of a private road called Holly Mews that is used to access a small number of bungalows, and the landscaped area adjacent to Holly Mews. The development would result in a reduction to the width of the road to approximately 4.8m in width. Either side of the appeal site and the Holly Mews access are dwellings fronting Hall Farm Road. The bungalow adjoining the north of the appeal site and the proposed new dwelling are/would be some distance further forward than the dwelling to the south of Holly Mews. This would result in the proposed development having an exposed southern flank elevation that would be prominently visible from the south.

5. The buildings on Hall Farm Road generally exhibit notable gaps between them giving a sense of spacing, which is enhanced by the appeal site in its current form. Whilst there would remain an adequate gap to the north, being only around 0.2m from the southern boundary, the proposed long southern flank elevation would appear cramped in its plot and at odds with the established character. The flank elevation and southern boundary of the site would also significantly enclose the Holly Mews access road to such a degree that it is considered harmful to the character and appearance of the area. As Holly Mews appears as a highway, I do not agree with the appellant's view that the private road would serve to create a 'setting'.
6. The prominent long straight southern flank elevation of the proposed dwelling and boundary treatment would appear relieved only by a small bathroom window. It would therefore appear austere and out keeping with the prevailing character and appearance of the area, where the prominent elevations of buildings are the frontages generally characterised by a variety of elements (e.g. windows, doors, hipped gables, rendering and brick walls). I note that the Council and appellant have agreed that they would accept a condition to add a further window to this flank elevation, but this would not be enough to mitigate the harm.
7. At around 160 square metres, the appeal site plot appears markedly smaller than those nearby. The corner location of the appeal site means the smaller plot size would be clearly visible and would be accentuated by the lack of spacing to the southern elevation. The development would appear cramped and incongruous, which is at odds and harmful to the character and appearance of the area.
8. The appellant considers that the Council has been inconsistent with its application of smaller plot sizes and spacing between buildings, providing the details of developments at Thundersley Park Road (Ref: 17/1028/FUL) and Kents Hill Road (Ref: 16/0649/FUL). I am not aware of the full circumstances of those developments; however, they do appear to be on differently proportioned plots, in different contexts, and appear less prominently sited than the proposed development. Therefore, they do not alter my consideration on the first main issue.
9. In conclusion, for the reasons above, the proposed development would be out of keeping with and harmful to the character and appearance of the area which is contrary to Policy EC2 of the Castle Point Borough Local Plan (1998) (the Local Plan). This seeks a high standard of design that is appropriate to its setting, and which should not harm the character of its surroundings.
10. The proposed development would also be contrary to Policy H17 of the Local Plan and RDG1, RDG2 and RDG4 of the Castle Point Residential Design Guidance Supplementary Planning Document (2013) (the SPD). RDG1 expects plot sizes to be informed by the prevailing character and be proportionate to the size of the dwelling. RDG2 expects the space around development be informed by the prevailing character and generally at least 1 metre between the property and the boundary. RDG4 expects corner plots should be designed to turn corners and provide frontages on all elevations that face the public realm. The development would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which states that planning decisions should ensure developments add to the overall quality of the

area and are sympathetic to local character and the surrounding built environment.

Living conditions

11. RDG6 of the SPD requires a one bedroom dwelling provides 50 square metres of private amenity space. The appellant considers the development provides 48 square metres. Although the Council referred to 43 square metres in its assessment, it does not appear to dispute the appellant's confirmation that it would be 48 square metres.
12. Such would be the useable shape of the proposed garden/amenity area, the small amount of space shortfall, and the proximity to other available outdoor space at Richmond Park (approximately 300 metres away), the proposed arrangement would not be harmful to the living conditions of future occupiers. Therefore, whilst the proposed development might be contrary to the standards in RDG6 of the SPD, it would not be contrary to paragraph 127 of the Framework, which requires that planning decisions should create places that promote health and well-being with a high standard of amenity for existing and future users.

Other Matters

13. The appellant has stated that the 'tilted balance' in accordance with paragraph 11 of the National Planning Policy Framework should apply, as the Council is considered to have delivered less than 50% of its housing requirement in the last 3 years. However, no figures are provided by the appellant to substantiate that the levels of housing delivery would trigger the tilted balance to be applied. The Council has not disputed this or provided any further information to counter the claim. If the tilted balance were applied, it would require consideration of the weight to be attributed to the proposal's conflict with relevant development plan policies. The appellant considers that any harm that may exist would not significantly and demonstrably outweigh the benefit of providing the dwelling.
14. Even if I were to apply the tilted balance, the proposed development would result in the provision of a new dwelling in what can be considered a sustainable location well placed to access facilities and services. There would be a small temporary economic benefit resulting from construction, and once occupied a small sustained benefit to the local economy. There would be some small benefit from supporting strong, vibrant and healthy communities through the supply of a single dwelling. However, in this instance the adverse impacts to the character and appearance of the area that conflict with Policy EC2 and H17 of the Local Plan, would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework as a whole.
15. I have found therefore that the development would conflict with the development plan with regard to its impact upon character and appearance. Having regard to the above, there are no material considerations that would lead to a decision other than in accordance with the development plan.

Conclusion

16. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR