
Appeal Decision

Site visit made on 19 November 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/M1520/D/19/3239056

27 Kingston Road, Benfleet SS7 1FB

- 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 Chris Smith against the decision of Castle Point Borough Council.
 - The application Ref 19/0536/FUL, dated 22 July 2019, was refused by notice dated 12 September 2019.
 - The development proposed is a single storey flat roof rear extension with lantern and part garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for single storey flat roof rear extension with lantern and part garage conversion at 27 Kingston Road, Benfleet SS7 1FB in accordance with the terms of the application, Ref 19/0536/FUL, dated 22 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 of 3, 2 of 3 and 3 of 3.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those used in the existing building.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for (a) future occupants of the host property, with particular regard to light and ventilation, and (b) occupants of No 25 Kingston Road, with particular regard to outlook.

Reasons

3. The appeal property is half of a pair of two-storey semi-detached houses, of brick construction with tiled roof. The rear building line of the host property and the adjacent No 25 Kingston Road faces south, with an offset attached garage to the west of the host dwelling. The effect of the proposal would be to provide a single-storey rear extension across the width of both the existing dwelling and garage, and tight to the boundary with No 25.
4. The guidance within the supporting text for RDG5 of the Castle Point Borough Council Residential Design Guidance Supplementary Planning Document (2013)(SPD) refers to methods for calculating adequacy of ventilation and

light, however no calculations have been provided to me. Nonetheless, light and ventilation would come from two sources, firstly, bi-fold doors of substantial width and, secondly, a relatively large roof lantern. These sources, combined with favourable southerly orientation, would provide the proposed extension with very high levels of natural light, which would spill into the existing lounge through an enlarged opening. To my mind these generously sized light sources would provide adequate natural light and ventilation to meet the needs of the enlarged lounge, notwithstanding its depth. The enlarged opening is not so narrow that it makes the proposal unacceptable. Overall, I find that the health and wellbeing of future occupants would not be harmed.

5. From No 25, the proposed extension would be seen behind, and set slightly back from, the existing timber fence of some 1.8 metres in height. As such, the fence would substantially break up, in visual terms, the side of the proposed extension which would in any case only extend for a distance of some 5 metres. Even were no mutual boundary fence provided, the proposed height of some 3 metres is not significant in this residential setting. Given this context, my observations on site were that the proposal would not overdominate No 25 to the extent that harm would be caused to outlook.
6. The Council state that overshadowing through loss of afternoon and evening light to No 25 would be unacceptable. However, when considering the proposal on its own individual merits, my observations of the westerly orientation, low overall height, and distance of the proposed extension from the nearest window of No 25 are such that any loss of light would be limited to a relatively small proportion of hours of daylight, such that no harm is caused.
7. I therefore conclude that the proposed development would provide acceptable living conditions for (a) future occupants of the host property, with particular regard to light and ventilation, and (b) occupants of No 25, with particular regard to outlook. The Council's reason for refusal makes no reference to the adopted policy framework and no policies have been provided to me. In the absence of such, the proposal complies with the guidance contained within RDG3 and RDG5 of the SPD and the National Planning Policy Framework, which together advise that development should not dominate adjoining properties and should provide adequate natural light and ventilation.

Other matters

8. Following submission of the appeal, the appellant advises that the Council have confirmed that prior approval has not been required for permitted development at the appeal site, Ref. 19/0775/HPA. No further details have been provided to me. Nonetheless I have assessed the current proposal on its merits.

Conclusion

9. For certainty I have imposed conditions detailing the approved plans. A condition requiring details of materials is also necessary to protect the appearance of the locality. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR